

# Bargaining Support Group



## **Working from home and hybrid working**



# Working from home and hybrid working

## A bargaining guide and model policy

### Introduction

Importantly, it must be remembered that for many of our members, because of the nature of the work they do, working from home was, is and will never be an option for them. Nonetheless, they still deserve careful consideration in the provision of flexible working options wherever possible.

“As the work from home guidance ends, employers must acknowledge that one size does not fit all. They should consult their staff and unions about continuing flexibility in working patterns and location.

Flexible working isn't just about working at home. It can mean having predictable or fixed hours, working as a job-share, or working flexitime, term-time only hours or compressed hours.

No one should miss out on flexible working. Ministers must bring in a new right to flexible working for every worker, in every job. Otherwise there will be a new class divide between those who can work flexibly from home, and those who can't.”

*TUC General Secretary, Frances O'Grady*

Of the employed population, 35.9% did some work at home in 2020 according to the Office for National Statistics (ONS).<sup>1</sup> Although by February 2022, this had declined to 15%.<sup>2</sup>

UNISON's own equalities survey in 2020 found that 40% of our members who had continued working during the pandemic, worked from home.

Even with easing of restrictions, some employers are keeping remote working as a permanent full-time option for staff, with some companies shutting a proportion of their offices.

Many other employers are also considering the benefits of hybrid working (sometimes called agile working or smart working), where workers combine working from home with some days in the employer's workplace.

An almost 9 in 10 workers told researchers for the October 2021 Chartered Management Institute (CMI) and Work Foundation report '[Making hybrid inclusive – key priorities for policymakers](#)', that they don't want to return to pre-Covid working patterns.

There has been a plethora of surveys and studies looking at the issues of whether homeworking is effective, desirable and sustainable and these are considered within this guidance as evidence to back up negotiations.

For example, workers polled by the [RSPH \(Royal Society for Public Health, reported in February 2021\)](#) showed that the vast majority of people asked, didn't want to go back to working in an office full time, with nearly three quarters of people (74%) saying that they wanted to split their time between homeworking and working in an office.

However, earlier research from the [CMI](#) suggests that many managers failed to consult staff ahead of any return to the workplace. It found that employees' views were not being fed into the decision-making process.

It's therefore crucial that UNISON reps and branches actively engage in the arguments for and against homeworking and hybrid working.

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[www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/homeworkinghowsrewardsandopportunitiesintheuk2011to2020/2021-04-19](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/homeworkinghowsrewardsandopportunitiesintheuk2011to2020/2021-04-19)

2

[www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/coronavirusandthesocialimpactsongreatbritain/latest](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/coronavirusandthesocialimpactsongreatbritain/latest)

**UNISON wants our members to have a real choice in the matter, rather than having to accept new ways of working without consultation.**

If negotiators have any comments on this guidance or any experience of negotiations that could be usefully incorporated in the guidance, please contact Bargaining Support at [bsg@unison.co.uk](mailto:bsg@unison.co.uk)

Further guidance is available from bargaining support for branches and workplace reps [www.unison.org.uk/bargaining-guides](http://www.unison.org.uk/bargaining-guides)

Contact your regional education teams and / or LAOS to find out what training and resources are available to assist you with negotiating with your employer or promoting the issues in this guide with your members <https://learning.unison.org.uk>

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## One size does not fit all

As shown by all the evidence collected during the COVID-19 pandemic restrictions, and referenced in the guidance below, whilst some workers are clearly in favour of homeworking or hybrid working for the long-term, for others it only presents difficulties.

The April 2021 [UNISON Scotland survey of local government workers](#) asked those who had not enjoyed working from home why that was. A third of respondents said it was due to **isolation** (31%), a quarter (26%) said the **impact on their work/life balance**, 18% said it was due to **challenges with technology** and 11% indicated **lack of support**.

25% of respondents have said they have struggled with homeworking and would prefer a blend of home and office working going forward, 12% indicated they had coped okay but were looking forward to getting back to the office, and 15% reported that they have not liked working from home at all and would prefer not to do so in the future.

The [UNISON 2020 equalities survey](#) found that support for homeworking was very high amongst members. But it can also create challenges for some. For example, **for some disabled people homeworking is a helpful reasonable adjustment but for others, it can be a potential barrier to working**.

The May 2021 survey of managers by the [Chartered Management Institute \(CMI\)](#) showed that homeworking presents challenges, such as the **social isolation** (71%), **home place distractions** (70%), **negative impact on mental health/wellbeing** (66%), and **work/life balance** (60%).

But the survey also found that employees' views were not being fed into the decision-making process regarding the return, with only half (50%) of managers having had a formal consultation with staff. It also found that a return to the workplace came with considerable apprehension from staff, as reported by three quarters (78%) of managers.

Too often the views of workers are not fully considered when decisions on homeworking and other forms of flexible working are made by employers.

The [UNISON Scotland report](#) highlights “the importance of ensuring our members are properly consulted and engaged about future working arrangements post-Covid.

We know that many local authorities are looking at reducing office space going forward but this clearly demonstrates that one size does not fit all - managers need to be flexible in their approach and cognisant of the need to ensure all employees are engaged and supported, particularly if they are managing remote teams in the future.”

And it isn't just the desires of staff for flexible working that need to be taken into account by employers, but the practical requirements when working from home.

The September 2020 CIPD (Chartered Institute of Personnel and Development) [‘Embedding new ways of working’](#) report showed that many employers said they were going to take **additional measures or increase investment to enable greater homeworking in the future** (44%). These included:

- changing organisational policy (66%),
- more training for line managers in how to manage staff working at home (46%)
- adapting performance management systems (33%)
- increasing both the quality of new technology to ensure it was up to date (59%)
- increasing the quantity of laptops and computers available (51%).”

However worryingly, [CIPD’s survey](#) also found that a third of employers (33%) said they would not be taking any additional measures for homeworking.

Unfortunately, this may even more greatly exacerbate the contrast with those who enjoy working from home and who have suitable home workstations, and those for whom it is a nightmare.



## Homeworking as a flexible working choice

Employers are increasingly seeing the reputational benefits of being 'seen' as a flexible employer, which will inevitably attract better staff.

A [recent survey and report by Working Families](#) shows that parents overwhelmingly want the government to intervene to create more flexible jobs (77%), and for employers to use their own initiative to do so (84%). A clear majority say they would be more likely to apply for a job that's advertised as flexible than one that's not in the future (69%).

[TUC research](#) has shown that more than four out of five (82%) workers in Britain want to work flexibly in the future, rising to 87% amongst women workers.

[Research by Timewise Jobs in 2021](#) found how important it is for employers "to offer flexibility during the recruitment process, and to clearly define the specific type of flex involved. For many candidates, flexible work is a life-changing preference, rather than simply 'nice to have'...

Part-time was the most preferred type of flexible working arrangement amongst our respondents: 80% want to work 4-days a week or fewer. However, over half of these part-time jobseekers would consider a full-time job that offers substantial homeworking; so hybrid working is a possible compromise for them...

70% of all workers want flex, so it needs to be positioned clearly as part of an organisation's culture."

The UK government recently launched [a consultation into flexible working](#), (covering England, Wales and Scotland only, as employment law is devolved to Northern Ireland). It is "focussing on all forms of flexibility – when you work as well as where you work – freeing employers and employees alike from the default 9-to-5 model in order to recruit and retain the talent we need."

[The consultation paper](#) recognises the benefits:

"Flexible working is not just good for employees. We know that it can also bring considerable benefits for employers. By removing the invisible restrictions to jobs, flexible working fosters a more diverse workforce – and the evidence shows that this leads to improved financial returns for businesses. Furthermore, workers who have more flexibility are more motivated at work and more likely to stay with their employer."

However, employers' understanding of what provides flexible working can be very limited. If workers are to benefit from flexible working options, employers will need to have a clearer understanding of the whole range of options they should be offering, including part-time working, flexitime, job sharing, compressed hours, term-time

working, V-time working (voluntary reduced working time for a temporary period), as well as homeworking.

The CIPD (Chartered Institute of Personnel and Development) research, '[Embedding new ways of working](#)' found that "before the crisis, the most widely offered flexible working arrangements were part-time work (56% of employers), regular working from home (45%) and flexi-time (43%)."

The survey also asked employers which of these flexible options they would expand or introduce after the crisis. It seemed that **flexible working options offered were not likely to increase except in the case of homeworking**, where 70% of employers say they will expand or introduce working from home on a regular basis, and a doubling of those who were going to introduce working from home all the time...

"Private sector employers expect regular homeworking to increase from 19% to 36%, public sector employers from 13% to 33%, and the voluntary sector from 22% to 52%."

As the UK government state in their flexible working [consultation paper](#), the experiences of the pandemic has "highlighted that home working does not work for every organisation or every individual, and we must ensure that other forms of flexibility are equally part of the conversation."

But for flexible working to be a positive experience for both employers and staff, it must be truly flexible and truly a choice, and not just limited to homeworking or hybrid working.

**As UNISON's national women's officer Josie Irwin** has described: "For many women, working from home during lockdown has meant flexibility and a better work/life balance.

However, for others, it has been exhausting, stressful, isolating and miserable. As lockdown restrictions gradually lift, we must be very careful not to assume, as some commentators have, that working from home is great for everyone. For some it's hell. Choice about what flexibility looks like is key."

## Current flexible working rights

Flexible working requests are for a permanent change to a worker's terms and conditions of employment, although there can be a trial period if mutually agreed (as suggested in the model homeworking policy included in this document).

Employees also have a statutory right to make a further request after a year should their circumstances change.

Under flexible working rights, currently all employees with 26 weeks' service could make a request for homeworking or hybrid working as a flexible working request. (The UK government's [consultation on reforms to the Flexible Working Regulations 2014](#), include extending this right to request for employees from day one of their employment.)

Employers will have to give a prescribed statutory reason for turning down any such request. By law, a request can only be turned down if:

- it will cost the business too much
- the employer cannot reorganise the work among other staff
- the employer cannot recruit more staff
- there will be a negative effect on quality
- there will be a negative effect on the business' ability to meet customer demand
- there will be a negative effect on performance
- there's not enough work for the employee to do when they've requested to work
- there are planned changes to the business, for example, the employer intends to reorganise or change the business and thinks the request will not fit with these plans.

### **UNISON case study**

Health unions including UNISON and NHS employers have agreed [new flexible working rights](#) aimed at giving NHS staff a better work/life balance. New contractual terms will allow staff to:

- Request flexible working from the start of their employment (removing the requirement to have six months' service)
- Make an unlimited number of applications for flexible working, instead of just one a year
- Submit applications without having to justify requests or provide specific reasons
- Access a process where managers must refer on requests that cannot be accommodated initially to ensure all possible solutions are explored.

It is expected to help the NHS recruit and retain health workers. Poor work/life balance is often given as a key reason for employees wanting to leave the health service. The extra demands of the pandemic have left staff exhausted with many re-evaluating their priorities and considering leaving the NHS.

To tackle this, health unions and NHS employers have agreed these new flexible measures to encourage staff to continue their careers in health. The provisions will apply in England, Scotland and Wales, with similar measures expected to follow in Northern Ireland.

Employers will be expected to promote flexibility options for all jobs at the recruitment stage and discuss them regularly with all staff in one-to-one meetings, team discussions and appraisals.

Health employers will also work with unions to develop, agree and offer a broader range of flexible working arrangements. In addition, they will monitor and examine what happens to requests made across their organisations.

Chair of the health unions on the NHS staff council and UNISON head of health Sara Gorton said: “Flexible working does happen in the NHS, but this new agreement will make it a more realistic option for staff in all roles.

### **More information on flexible working including a model policy**

Bargaining on working hours

[www.unison.org.uk/content/uploads/2021/04/Bargaining-on-working-hours-0421.pdf](http://www.unison.org.uk/content/uploads/2021/04/Bargaining-on-working-hours-0421.pdf)

Flexible working: making it work

[www.unison.org.uk/content/uploads/2014/09/On-line-Catalogue225422.pdf](http://www.unison.org.uk/content/uploads/2014/09/On-line-Catalogue225422.pdf)

### **What about staff who are unable to work at home?**

There may, of course, be valid reasons for an employer to be reluctant in some circumstances to allow homeworking as an option for all staff. But it remains imperative that the employer provides clarity about expectations in terms of physical presence in the workplace, potentially implementing a rota system to ensure fairness in treatment of staff.

Trade union reps may also need to be mindful of any knock-on effect of increasing the homeworking option for office-based workers on other members of the workforce. For example, there could be an impact on the cleaners or caterers working for the same employer, whose services may be reduced as a result.

And with all the interest given to homeworking in the post-pandemic world, it's important that trade unions do not neglect the needs of our many members who cannot work from home due to the nature of their job.

“Only half of all employees can work from home, typically university-educated people in management, professionals or business services. Throughout the Covid-19 crisis, the other half have remained at work – or worse still, lost their jobs...”

It's clear that the same employees who have faced the hardest time in the pandemic also won't get to enjoy working from home after it. Employers and governments should be mindful of this, and be prepared to compensate for these sacrifices."

[Nicholas Bloom, professor of economics at Stanford University](#)

Newcastle University's Prof. Abigail Marks has warned that an increased policy focus on homeworking "can increase existing inequalities in the labour market" between those who can and cannot work at home and "may further increase the gap between the rich and the poor."

Source: [CRED blog series: Widespread expansion of homeworking reveals inequalities in access and quality of work - School of Business and Management \(qmul.ac.uk\)](#)

[The TUC has pointed out](#) that women and Black workers are often the ones who are less likely to be able to work from home. They occupy front line, emergency and health and social care jobs in disproportionate numbers, as shown during the COVID crisis where it also resulted in higher rates of contracting the virus.

[TUC polling](#) has shown a significant divide in access to homeworking between higher-paid and working-class occupations. And it finds strong demand for other forms of flexible working from all groups of workers, such as control over working hours.

The poll found that people in higher-paid occupations are much more likely to have worked from home during the pandemic (60%) than those in working-class jobs (23%). The TUC's research also shows that those who cannot work from home are significantly more likely to be denied flexible working options by employers after the pandemic.

[New research from Wales TUC/YouGov](#) also shows this clear class divide in workers' attitudes towards working from home after Covid restrictions have been lifted.

61% of middle-class workers say they want to continue working from home at least part of the time. But the equivalent number is just 33% for people from working class households.

The Wales TUC is calling for any investment in home or remote working to be matched with investment in helping those who can't do their job from home.

Even though some jobs do not allow the employee to work from home, these workers still need to have equal access to flexible working.

"There's a misperception that the country has enjoyed a year of flexible working. The reality is that the majority of workers, and particularly those on lower incomes, have

not felt the benefits of homeworking and all other forms of flexibility have declined since last March.

Four in five workers want to work flexibly, but a shockingly high proportion of requests for this are rejected by employers – often with little or no justification.”

[Tulip Siddiq, Labour MP](#)

And as, the [TUC point out](#): “Every job can be worked flexibly. Employers should think upfront about the flexible working options that are available in a role, publish these in all job adverts and give successful applicants a day one right to take it up.”

## Is hybrid working the future for many?

Increasingly, ‘hybrid working’ has been presented as a popular option for both employers and staff in working arrangements where the job role allows for homeworking. Therefore, this may be the starting point for negotiations with employers keen to introduce homeworking.

The June 2021 [UNISON Cymru/Wales survey](#) found that 71.7% of workers had a preference in the long term for hybrid working, with only just over 14% wanting to permanently work from home and just under 14% wanting to be fully office based.

In the March 2021 STUC report ‘[Covid-19 and Working from Home Survey: Preliminary Findings](#)’, 31% of workers who were asked their preferences in post Covid-19 conditions indicated a preference for full-time working from home, 78% stated a preference for working in the office 2 days or less and only 9% expressed a preference for 4-5 days in the office.

The Institute for Employment Studies report ‘[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)’ found that there was a clear preference expressed by the majority to combine office with working from home in the future. Seven in ten (73%) employees wished to adopt a hybrid work arrangement - blending working from home with the communality of the office - and to retain the flexibility and control over their working pattern from which they have benefited under lockdown.

Some employers do recognise that there needs to be various options defined within any homeworking policy, that will provide the best way of working for individual workers, for the job roles and for service delivery.

For example, hybrid working that may vary from week to week could particularly benefit employees where the job involves frequent off-site visits; permanent homeworking could be a reasonable adjustment for some disabled workers.

However, increasingly employers are looking to define hybrid working as a stipulated number of hours or days to be worked in the office. Often it can be largely



determined by managers according to 'business need' and at their discretion and not as fits in best with the needs of the employee, nor of how they can be most productive in their work.

### **Examples of different homeworking practice**

#### **The Deal**

"Consulting firm PwC has launched a post-Covid working strategy that includes a Friday lunchtime finish during the summer months and an expectation that staff will come to the office two to three days per week.

Known as 'the Deal', the strategy was formulated in consultation with employees. Workers will be able to decide the most effective working patterns depending on what they are focusing on in what PwC calls the 'empowered day'. This means they can start earlier and finish earlier if they wish.

The company also hopes the new hybrid working model will contribute towards its goals to reduce carbon emissions as commuting is cut and workplace facilities used less.

Employees can continue to work from home, but the expectation is that they will spend an average of 40% to 60% of their time working with colleagues at the office or client sites."

*From Personnel Today article, 31 March 2021 [www.personneltoday.com/hr/pwc-announces-post-covid-hybrid-working-strategy/](http://www.personneltoday.com/hr/pwc-announces-post-covid-hybrid-working-strategy/)*

#### **A new flexible working scheme**

"Nationwide is to allow 13,000 of its 18,000 UK employees to decide where they work under a new flexible working scheme.

In a staff survey, 57% of Nationwide's employees said they wanted to work from home full-time after lockdown ends and more than a third (36%) said they preferred a mix of home and office-based work.

Branch-based staff were less able to work flexibly, however, the building society conceded. Despite this, it was examining ways to 'help them [branch staff] better manage their working day around their home lives'."

*From Personnel Today article, 25 March 2021 [www.personneltoday.com/hr/hybrid-working-to-be-the-future-for-nationwide-staff/](http://www.personneltoday.com/hr/hybrid-working-to-be-the-future-for-nationwide-staff/)*

#### **Flex, Fully Remote or Office-based**

"Based upon employee feedback, Salesforce, a leading cloud-based, software-as-a-service company, said it will enact the following policies and offer employees "flexibility in how, when and where they work with three ways of working":

- Flex: When it's safe to return to the office, employees around the globe will work flex. This means they'll be in the office one to three days per week for team collaboration, customer meetings and presentations.
- Fully Remote: For employees who don't live near an office or have roles that don't require an office, they will work remotely full-time.
- Office-based: The smallest population of the workforce will work from an office location four to five days per week if they're in roles that require it."

*From Forbes article, 10 February 2021*

[www.forbes.com/sites/jackkelly/2021/02/10/salesforce-says-9-to-5-workday-is-dead-and-employees-will-only-come-into-the-office-one-to-three-days-a-week](http://www.forbes.com/sites/jackkelly/2021/02/10/salesforce-says-9-to-5-workday-is-dead-and-employees-will-only-come-into-the-office-one-to-three-days-a-week)

### **Hybrid working or a mix**

In July 2021, Xpert HR's survey of nearly 300 employers found that hybrid working for all employees was the most popular working pattern for employers (30.5% of employers from all sectors) although public sector employers were more likely to consider a mixture of some employees fully based in in the workplace, some hybrid workers and some remote workers (44% of public sector employers).

More than half (52.1%) of the employers asked were also moving to a flexible work pattern for all employees that is based on core hours with flexible starting and finishing times. Just under half of the employers (47.3%), particularly those in the public sector, said they were going to offer some employees full flexibility around their hours, determined in consultation with their line manager.

### **Agile working in Wales**

In Wales, a task and finish group led by Welsh Government's Social Partnership structures that includes Cymru Wales UNISON, is focusing its work on 'agile working' rather than using the term 'hybrid working'.

In the NHS in Wales, it is defined as:

"Aligning people, processes and connectivity with technology, time and place to find the most appropriate and effective ways of working to carry out a particular task... In this context agile working can be split down into three distinct areas:

Mobile: Working on the move

Flexible: Can carry out their work from a variety of locations

Fixed: Spends the majority of time in a fixed location.

When determining suitability for agile working managers should, in the first instance, break down the specific tasks of each role in order to ascertain whether these can be undertaken in a different manner rather than looking at a role in its totality... The criteria to consider when making a decision would include:



1. The likely cost/benefit of any proposed arrangement
2. The quantity of work that can be realistically achieved and how this will be measured
3. The practicalities of undertaking specific tasks in an agile manner (i.e. availability of appropriate workstation, equipment, IT, information, security of data)
4. If the environment required to undertake agile work is achievable
5. Any adverse effects on the individual or other team members
6. If a trial period would be suitable and if so, for what period of time."

## **How are job roles selected as suitable for homeworking?**

The criteria used to select what job roles are suitable for homeworking whether wholly or in part, is also crucial and there must be some trade union involvement in decision making.

The criteria should consider the demands of the role, its tasks and whether it is dependent on a particular location, as well as the logistical factors around supporting and managing that role, in addition to how the team or department as a whole can best work in supporting each other and be most productive.

As well as the needs of the job role, the employer should consider the individual worker's needs. The same arrangements might not work for everyone who does the same role. Everybody's home circumstances will vary considerably, for example some people may lack space and privacy, or have a poor internet or mobile phone signal, there may be an increased risk of domestic abuse, etc.

Enforcing homeworking for all could potentially disadvantage some workers who struggle with the arrangement. On the other hand, for some disabled workers it could provide a reasonable adjustment under the Equality Act 2010<sup>3</sup>.

Whilst criteria for homeworking might also include consideration of whether the worker has a suitable homeworking environment, this should not necessarily exclude those workers who just need some practical support (such as provision of technology, equipment, furniture, reasonable adjustments) from the employer.

But it's key that any arrangements are not imposed on staff, unless it is shown to be an absolutely necessary condition of the job role.

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<sup>3</sup> In Northern Ireland, this requirement is enshrined in the Disability Discrimination Act 1995.

It will be crucial that employers continue to consider the provision of some office capacity for those unable or unwilling to work solely from home.

## → Key points for negotiations

### **Make sure there is consultation with staff and that the trade union is involved**

Key to a successful workplace after the lifting of COVID-19 restrictions, is meaningful consultation with workers to reassure them that the workplace remains COVID-secure and that lessons have been learnt for any future change in working practice.

Employers may need to be reminded that homeworking during the restrictions did not impact on their ability to deliver services, and may in fact have permitted efficiencies in delivery.

However, for some workers this may have come at a price, perhaps with an adverse impact on their mental and physical health and wellbeing. That's why the trade union must be involved in discussions to raise these issues with the employer.

Is the employer engaging with the trade union workplace reps and safety reps on any new working arrangements and consulting with staff?

Are employers addressing any concerns and properly preparing for new working practices?

Are employers focusing solely on working from home and neglecting other flexible working options that can enhance recruitment and retention of all staff?

### **Share the experiences of staff homeworking during COVID-19 restrictions**

Have you collected details of the experiences of our members, perhaps with a workplace survey covering all staff – what were the particular benefits and challenges of homeworking during lockdown and restrictions? Can you provide specific examples?

How do staff see themselves working in the future? Is homeworking an important part of it?

### [Use the model survey for your workplace](#)

Armed with this type of evidence, you may be able to highlight the particular value not only to recruitment and retention of staff but their future productivity. It may emphasise the benefit of providing real choice to staff, of having a balanced approach to homeworking as one of the options available within flexible working.

Has the employer considered their duty to provide reasonable adjustments to disabled workers? As well as making adjustments for disabled workers who work from home, and for disabled workers who work in the office, has the employer also considered homeworking in itself as a potential reasonable adjustment?

You may also be able to point out the particular problems and challenges of homeworking for some workers, that in the long run can impact on their productivity as well as their mental and physical health.

Enforcing homeworking for all may de-motivate some workers, and could result in limiting the career progression of specific groups of workers, such as women and disabled people.

Make clear to the employer the particular benefits and challenges that have been experienced by our members, and that real choice and appropriate support is the best way of ensuring recruitment, retention and productivity.

### **Share the wider evidence about the benefits and challenges**

See sections below, to help in your negotiations where the employer is reluctant to either continue any form of homeworking, or plans to impose it on all staff:

[Improved physical and mental health and wellbeing – but only for some](#)

[Work/life balance – benefits but some challenges](#)

[Mental health problems and difficulty ‘switching off’ from work](#)

[Loneliness, poor communication, digital overload](#)

[Domestic abuse and homeworkers](#)

[Increased productivity and focus for some – but can come at a price](#)

[Homeworking as a reasonable adjustment for disabled workers – but not an excuse to avoid reasonable adjustments in the office](#)

[A greener way of working – but too often inadequate technology and inappropriate workstations](#)

[The visibility of homeworkers – challenges for career progression and staff development](#)

[Ensuring confidentiality and data protection at home](#)

[Improving the management of remote workers – not just about visibility](#)

### **Remember those who cannot work from home**

Don't forget those within the workplace who do not have the option to work from home because of their job role and duties.

Can certain duties be done in different ways to enable some homeworking? Are these workers offered other forms of flexible working to help ensure a work/life balance?

If much of what these workers do is servicing colleagues who now work from home, such as the administrators, cleaners, caterers etc, is any homeworking policy

creating a two-tier workforce? Are some jobs actually at threat if workers are not coming into the employer's workplace as before?

How is work being distributed between those in the workplace and those working from home? Does the more interesting, fulfilling work with greater opportunities for career development go to those that more visible in the workplace? Or those who are able to work productively from home because of their more comfortable, spacious and better equipped surroundings?

### **Mix and match with care**

Is the trade union involved in deciding on which job roles are suitable for homeworking whether wholly or in part?

What criteria is the employer using to make selections? Are clear reasons given? Do they take into account the individual needs of a worker?

Are the employer's decisions fair and consistent across the organisation and will they be reviewed in the future? Do they consider a variety of options – office working, occasional homeworking, hybrid working as well as permanent homeworking? Is it a choice for the employee?

### **Be wary of employers focusing solely on saving overhead costs**

It's important that employers do not shirk from their duties under health and safety whilst their staff are working from home. They will need to consult with the trade union including safety representatives (where recognised) on matters affecting members' health and safety including when working from home. Even in a non-recognised workplace there is still a duty to consult either directly with employees or through an elected representative of employee safety.

This is crucial because homeworking is shown to have a direct impact on the physical and mental health and wellbeing of workers.

It's important too that employers are reminded of their duties under the Equality Act 2010<sup>4</sup> for making reasonable adjustments for disabled workers. Whilst working from home may be a reasonable adjustment in itself for some disabled employees, is the employer imposing it as an excuse to avoid making reasonable adjustments in the workplace?

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<sup>4</sup> In Northern Ireland, this requirement is enshrined in the Disability Discrimination Act 1995

Employers may also see homeworking as an opportunity to make savings on office space and overheads. They may need to be reminded of a need to compensate workers for additional costs and concerns whilst working from home, and that homeworking is simply too stressful and difficult for some workers. Alternatives must still need to be considered if they want to avoid losing valuable staff and impact on staff morale.

If hybrid working is planned by the employer, and office space to be reduced, how will those who come into the office be allocated workstations? Is there to be a hotdesking policy on a first-come, first-served basis? Is there to be a booking system? Will it take account of the needs of disabled workers and any reasonable adjustments they may have, as well as other specific needs of workers (e.g. menopausal women wanting to be by a window that opens.)

### **More information in 'Bargaining on hotdesking policies'**

[www.unison.org.uk/content/uploads/2019/01/Hot-Desking.pdf](http://www.unison.org.uk/content/uploads/2019/01/Hot-Desking.pdf)

### **Review the flexible working policy**

Make sure the employer is not just discussing homeworking. Remind them of all the many other options of flexible working that they could be offering to their staff.

Has the workplace got a flexible working policy in place? Should this be reviewed alongside any proposals for homeworking or a full return to the office?

What criteria does the organisation use for workers who can request flexible working? Is it allowed as a day one right or only after the statutory period of service? Highlight the recruitment benefits of offering flexible working to all staff, including new staff.

## Model survey for your workplace

As part of the preparation for the development of any plans or requests for new ways of working post-COVID, or as part of a general review of flexible working, workplace reps and branches can inform their negotiations with employers by providing them with the views and experiences of staff, collected through an anonymous workplace survey.

You may want to adapt the survey so that, for example, it refers to a trial period of hybrid working if undertaken in your workplace, rather than the homeworking experience during the COVID-19 restrictions.

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In order to assist UNISON **[branch name]**'s work in defending and seeking improvements in the **[name of employer]**'s flexible working policy, we would greatly appreciate it if you could complete this survey. It should only take a few minutes to complete.

All responses to this survey are anonymous and will be treated as confidential. It will not be possible to identify any individual from information used for negotiations.

We are collecting equality monitoring information so that we can help make sure that any workplace practices do not disadvantage any particular groups.

1. How do you describe your gender?

- Female
- Male
- In another way

2. How would you describe your ethnic origin?

- |                                      |   |   |
|--------------------------------------|---|---|
| <input type="checkbox"/> Asian UK    | <input type="checkbox"/> Black African        | <input type="checkbox"/> Chinese              |
| <input type="checkbox"/> Asian Other | <input type="checkbox"/> Black Caribbean      | <input type="checkbox"/> Irish                |
| <input type="checkbox"/> Bangladeshi | <input type="checkbox"/> Black UK             | <input type="checkbox"/> White UK             |
| <input type="checkbox"/> Indian      | <input type="checkbox"/> Black Other          | <input type="checkbox"/> White Other          |
| <input type="checkbox"/> Pakistani   | <input type="checkbox"/> Black mixed heritage | <input type="checkbox"/> Other mixed heritage |

3. Would you describe yourself as a disabled person?

- Yes

4. Would you describe yourself as

- lesbian?

- gay?
  - bisexual+?
5. Would you describe yourself as transgender?
- Yes
6. Do you work
- full-time?
  - part-time?
7. How much do you earn?
- Less than £10,000 per year
  - £10,000 to £20,000 per year
  - £21,000 to £35,000 per year
  - £36,000 to £50,000 per year
  - More than £50,000 per year
8. Before the Covid-19 pandemic, **[or 'Before a hybrid working trial period' or delete]** which of the following best describes your job?
- I never or very rarely worked from home
  - I occasionally worked from home (e.g. once or twice a month)
  - I regularly worked from home (once or twice a week)
  - I worked from home most days every week
9. Since the Covid-19 pandemic, have you worked from home some or all of the time? **[or delete this question altogether]**
- Yes, all of the time
  - Yes, some of the time
  - No
10. If no, **[or 'If never or rarely' if question 9 is deleted]** do you think it would be possible for your job to be done from home if you had the right support?
- Yes
  - No
- If you have never or rarely worked from home, please now go straight to question 42.



11. What assistance has your employer provided to help you work from home?

- Laptop/computer
- Separate computer screen
- Laptop riser
- Adjustable office chair
- Workstation/desk
- Keyboard, monitor or mouse
- Mobile phone
- Landline phone and phone line rental
- Broadband connection
- Made changes to your duties to help you work from home
- Other assistance, please detail

.....

- None of the above

12. Do you have a dedicated, private workspace at home?

- Yes
- No

13. Do you have a desk at home?

- Yes
- No

14. Do you have an adjustable office chair at home?

- Yes
- No

15. Do you have access to IT equipment such as a computer, keyboard and mouse at home?

- Yes
- No

16. Do you have access to a dedicated work mobile phone at home?

- Yes
- No

17. Do you have a strong mobile signal in your home?

Yes

No

18. Do you have reliable and fast internet with sufficient capacity at home?

Yes

No

19. Has your employer conducted a homeworking environment risk assessment?

Yes

No

20. Has your employer provided you with any health and safety guidance about working from home?

Yes

No

21. Has your employer made you aware about the requirements of data protection law and the workplace data protection policy?

Yes

No

22. What provisions has your employer made with you for dealing with storage, use and security of confidential data held at home?

Provided a homeworking policy for dealing with storage, use and security of confidential data held at home

Provided a lockable filing cabinet

Provided provision for the secure disposal of confidential waste

Other provisions, please detail

.....

None of the above

23. Does your employer use technology to monitor your work activity or breaks away from the computer whilst working from home?

Yes

No

Unsure

24. Whilst working from home during COVID-19 restrictions [or delete 'during COVID-19 restrictions'], have you got as much work done as when you were working in the workplace?

- More work
- Same amount of work
- Less work

25. Have you continued to work your contracted hours whilst working from home?

- More hours
- Same amount of hours
- Fewer hours

26. Whilst working from home, has contact with your line manager been

- More frequent?
- The same?
- Less frequent?

27. Whilst working from home, have communications with your line manager been

- More positive?
- The same?
- Less positive?

In what way? Please give examples

.....

28. Have you received any training whilst working from home?

- Yes
- No

If yes, please give details.

.....

29. Have communications with work colleagues or your team/department

- Improved?
- Remained about the same?
- Reduced?

In what way? Please give examples

.....  
30. Have communications with service users or clients or customers

- Improved?
- Remained about the same?
- Reduced?

In what way? Please give examples

.....

31. Have communications with your workplace trade union rep

- Improved?
- Remained about the same?
- Reduced?

In what way? Please give examples

.....

32. Have your working hours been more flexible whilst working from home?

- Yes, in part – although still expected to be available at certain times
- Yes, totally – able to organise my working day as I wish as long as I fulfil my responsibilities
- No

33. Has working from home affected your general physical health?

- Improved
- Stayed the same
- Deteriorated

34. How has working from home impacted on your physical health?

- I have started experiencing musculoskeletal pain such as back ache or hip pain
  - I feel more fatigued
  - I have developed a poor sleep pattern
  - I have experienced eye strain
  - I am more inactive and/or have gained weight
  - Other, please detail
- .....

I have experienced no physical health problems

35. Has working from home impacted on your mental health and wellbeing?

- Improved
- Stayed the same
- Deteriorated

In what way? Please give examples

.....

36. Has working from home affected your work/life balance?

- Improved
- Stayed the same
- Deteriorated

In what way? Please give examples

.....

37. Has working from home impacted on your personal finances?

- Significantly better off
- Slightly better off
- About the same
- Slightly worse off
- Significantly worse off

38. If you are financially worse off from working from home, what have been the additional costs?

- Increased heating and electricity costs
- Increased water meter costs
- Workstation costs (such as desk, chair)
- Equipment costs (such as laptop, keyboard, mouse)
- Reasonable adjustments at home if you are disabled
- Increased telephone or broadband costs
- Home insurance costs

39. Has your employer offered to reimburse any extra cost you have incurred whilst working from home?

Yes

No

40. If you are disabled, has your employer offered you any reasonable adjustments whilst working from home?

Yes

No

Not applicable

41. If you are disabled, have you received any assistance from Access to Work whilst working from home?

Yes

No

Not applicable

If yes, please give details.

.....

42. Would working from home help you to balance your caring responsibilities for children or disabled people or older people better with your work?

Yes

No

Not applicable

43. If you are a disabled person, would working from home be beneficial to you as a reasonable adjustment?

Yes

No

Not applicable

44. How would you like to work in the long term?

Permanently working from home

Hybrid working (mixture of office and homeworking)

Fully office based

45. What are the barriers that would make long-term working from home undesirable for you?

Health and safety considerations

- Physical health issues
- Mental health and wellbeing
- Costs are too high
- My family circumstances do not suit homeworking
- I am unable to adhere fully to data protection requirements in my home
- Lack of reasonable adjustments as I am disabled
- Other barriers, please detail

.....

- No barriers

46. When attending the **[workplace or office]**, have you experienced any problems with:

- hotdesking
- technical problems.
- managing my childcare arrangements
- managing other caring responsibilities
- with travel/commuting
- collaborating with colleagues (e.g. as so few have been attending at the same time as me or all meetings are continuing virtually).

47. If you have any further comments with regards to the positive or negative benefits of homeworking and workplace/office working, please let us know here.

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## Sharing the evidence and making a case

### Improved physical and mental health and wellbeing – but only for some

#### A positive experience for some

Overall, more people polled in the [RSPH \(Royal Society for Public Health\)](#) felt working from home was better for their health and wellbeing (45%), compared to around one third (29%) who thought working from home was worse for their health and wellbeing.

A key finding from UNISON's survey highlighted in the report '[Covid 19 and disabled workers – time for a homeworking revolution?](#)' was that a number of disabled workers reported taking less sickness absence as they were able to manage their condition better when working from home.

This is backed up by recent ONS statistics that show that those who do any work from home (whether disabled or non-disabled) have a lower sickness absence rate than office-based workers.<sup>5</sup>

[UNISON's 2020 equalities survey](#) found that some UNISON members believed working from home to be healthier in general, both for the environment and individuals. Of those working from home, over 6 in 10 members felt there were no risks to their health, safety and wellbeing.

As one member reported: "I'd like to continue working from home as much as possible, I have zero desire to ever go back into an office again."

Another member stated: "It's much less stressful and a better working environment from home. I get so much more done. I don't have to use my car and deal with traffic congestion, so it's helping the environment. I also don't have to work in an open-plan office with no opening windows, no temperature control (we sit with coats on in winter), and use dirty desks, kitchens and toilets."

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<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/homeworkinghoursrewardsandopportunitiesintheuk2011to2020/2021-04-19>



## But a negative experience for many others

The [RSPH \(Royal Society for Public Health\)](#) survey found that people who live with multiple housemates were more likely to think that working from home was worse for their health and wellbeing (41%), compared to people who live on their own (29%) or with just their partner (24%).

Women were more likely than men to feel isolated (58% of women v 39% of men) and to develop musculoskeletal problems (44% of women v 29% of men) as a result of working from home.

The recent [UNISON Cymru/Wales survey](#) of members found that 35% reported that their physical health had deteriorated whilst working from home, with common issues being musculoskeletal pain such as back ache or hip pain, fatigue, eye strain, and a poor sleep pattern. Many others complained of lack of exercise and weight gain whilst working from home.

## Health and safety considerations

As the control that can be exercised over a member of staff working from home is limited, the main responsibility for health and safety considerations will be with the home worker under Section 3 (2) of the Act. This places the obligations on homeworkers themselves to ensure that they and other persons, including members of the household (as well as the public if relevant) are not endangered by work activities undertaken at home.

Workplace reps and branches should highlight the importance of staff to raise any health and safety concerns whilst working from home with their line managers promptly. They should make sure any risk assessment checklists are thorough and cover all potential areas of risk including the workstation and equipment.

### → Quick checklist

- If homeworking is popular amongst staff, highlight the noted lower sickness absence in the workforce in general during the COVID-19 restrictions and homeworking.
- Check that the [Health and Safety Executive \(HSE\) guidance](#) for employers on health and safety for homeworkers is being followed.
- Does the worker have a suitable workspace at home? Has the employer made sure staff have the correct equipment to do their job?
- As well as considering adaptations for the worker's physical environment and for the management of homeworkers, has the employer taken account of [HSE's statement](#) that "homeworking can cause work-related stress and affect people's mental health"?

- Has the employer updated the health and safety policy to cover working from home including setting out:
  - how working from home risks are to be assessed
  - providing a checklist and guidance and training to help workers assess and identify problems within their homeworking environment
  - steps taken to protect groups who may be at particular risk — e.g. pregnant or disabled workers
  - how risks may impact family members and housemates?
- Is the health and safety policy made widely available to staff so that they are aware of the details and confident that appropriate risk assessments are undertaken?
- Are workers aware of their responsibility to comply with the health and safety policy including reporting of concerns whilst working from home? Have they been sufficiently trained to undertake their own risk assessments at home?
- Do they know they have a responsibility to make sure they highlight any issues they know when the risk assessment takes place (for example, faulty electric plug points). Under Section 3 (2) of the Health and Safety at Work etc. Act, obligations are placed on homeworkers themselves to ensure that they and other persons, including members of the household (as well as the public) are not endangered by work activities undertaken at home. Workplace reps and branches should highlight the importance of staff to raise any health and safety concerns whilst working from home with their line managers promptly.
- If for whatever reason it is not safe for a worker to work from home (perhaps due to overcrowding, noise, light, musculoskeletal injuries, stress/mental health problems), is the employer clear about the measures they will take to eliminate that risk, which could include allowing some workers to work in the office?
- Are UNISON safety reps consulted on any risk assessment checklists, guidance and training provided by the employer to ensure they are thorough and cover all potential areas of risk including the workstation and equipment.
- Are risk assessments regularly reviewed to ensure employees' homeworking environments remain safe and healthy?
- Are individual risk assessments undertaken for disabled workers and pregnant workers when working from home?
- Where workers are home-based but go out to visit clients, is there a system set up to register their whereabouts so that their safety can be checked on (lone working issues)?

- If it's felt necessary for the health and safety officer to visit a worker's home because of a certain problem or additional support needed, has this been agreed with the individual and suitable notice given for the visit? Can a UNISON member request that a UNISON safety rep accompany the health and safety office in order to help make recommendations on any equipment etc that is needed? Are alternative approaches offered such as providing photographs?
- Does the employer recognise that a different way of working may also open up the potential for bullying and harassment, particularly as such behaviour need not be carried out face-to-face but can occur in writing, by telephone, text messaging, email or use of social media?
- Does the employer have a budget specifically for action to help ensure the health and wellbeing of staff?

## Work/life balance – benefits but some challenges

### A positive experience for some

One of the biggest benefits of working from home cited by workers and employers alike, is the improvement for many of their work/life balance, being able to deal with domestic and work demands more flexibly within the day, and often with much greater freedom to organise their day. In addition, workers benefited from not having to waste time on travelling to and from work.

[The House of Commons Women and Equalities Committee](#) highlighted in their recent report 'Unequal impact? Coronavirus and the gendered economic impact', how working from home brought opportunities for gender equality in the labour market, making it particularly easier for women with children to balance family and work.

One working mother polled in [UNISON's 2020 equalities survey](#) said: "Working from home has been fantastic. If I could do that every so often it would be a big help. I spend almost four hours travelling to and from work on buses, so before lockdown my days were 12 hours long and I was too tired to have any kind of life, or energy for my family."

Research undertaken by the CIPD (Chartered Institute of Personnel and Development) called '[Embedding new ways of working](#)' found that the improvement of the work/life balance of staff was mentioned by 61% of employers.

### But a negative experience for many others

However, the same research from [CIPD](#) also found that "35% of employers say poor work/life balance due to homeworking, for example as a result of the difficulty of balancing work and childcare, is a commonly reported problem by staff. A further 26% of employers say that increased stress due to new demands or challenges of homeworking is a major cause of concern for staff."

The Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' also found that maintaining the high level of productivity during the pandemic took its toll, with employees' responses on mental health and well-being ranking low.

In particular, parents, carers and managers put in more hours, struggled with collapsed home/work boundaries, and felt under pressure.

Detailed responses to the recent CMI and Work Foundation report '[Making hybrid inclusive – key priorities for policymakers](#)' indicates that parents and carers work longer hours to make up for interrupted time, causing blurred boundaries between their work and home lives, and negatively affecting their wellbeing.

Croner-i HR information reports that “One study suggests that the average 1.5 hours saved from commuting has led to an 8.2% increase in the working day, being ‘zoomed-out’ and the feeling that homeworkers are now just eating and sleeping at work.”

### → Quick checklist

- Has the employer considered the benefits of homeworking and all forms of flexible working choices for the work/life balance of their workers, particularly those with caring responsibilities (who continue to be predominantly women)?
- Where homeworking is popular with staff members, has the employer considered it as part of their gender pay gap action plan?
- Where homeworking has shown to be unpopular with staff members because of the negative impact on work/life balance, will the employer agree to other forms of flexible working options?
- Does the employer provide adequate paid parental leave and carers’ leave? If homeworking is difficult for some staff, highlight the potential impact on their health and wellbeing and remind employers of their duty of care for all their employees, under health and safety law.

## Mental health problems and difficulties ‘switching off’ from work

A survey undertaken by an events organisation, Wildgoose: [‘The 2021 Working From Home survey - Fatigue, the future of working, and how have employee ‘wants’ changed?’](#) found that 74% of the UK workers asked said they had been affected in some way by fatigue, stress and burnout. Nearly 2 in 5 (36%) said that it had affected their mental health.

Many of the members surveyed by [UNISON Cymru/Wales](#) also reported a considerable impact on their mental health when working from home, particularly reporting anxiety and depression. Over a third (33.8%) said that their mental health had deteriorated.

### Examples of comments of UNISON respondents:

“I have felt isolated and this has increased my stress and anxiety at a time when I am already struggling with this and trying to return from sickness.”

“I have a chronic fatigue syndrome so some days are so much better working from home - especially when I have bad days. Then other days it has made me more mentally fatigued being on virtual meetings all day.”

“Poor mental health and lack of support from employer.”

ONS statistics show that homeworkers work a higher number of hours than those who never work from home and are more likely to do unpaid overtime.<sup>6</sup>

Many of the workers polled in the [RSPH \(Royal Society for Public Health\)](#) felt that homeworking was having an impact on people’s mental health, with 67% saying they felt less connected to their colleagues and 56% saying they found it harder to switch off. However only a third of respondents had been offered support with their mental health (34%) from their employer.

Similarly the [2021 CIPD/Simplyhealth Health and Wellbeing at Work survey report](#) found that 5% of remote workers said their work-related mental health had got worse during the pandemic, with 42% saying this was at least partly a result of inability to switch off from work.

More than 77% of employers had observed ‘presenteeism’ – people working when unwell – in employees who are working from home in the last year. Additionally, 30%

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<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/homeworkinghoursrewardsandopportunitiesintheuk2011to2020/2021-04-19>

of remote workers reported working more unpaid hours than before the pandemic. 70% of employers found 'leaveism' – working outside of contracted hours or using annual leave to work or when ill – was also an issue.

The CIPD states that “the findings suggest that many organisations haven't been taking effective action to combat the risks of an 'always on' culture during the pandemic. Boundaries between work and home life have become increasingly blurred for many people working from home for example, making it difficult for people to switch off.”

This finding is backed up by [polling from Opinium for Prospect trade union](#) published in April 2021, which found that:

- 35% of remote workers say their work-related mental health has got worse during the pandemic with 42% saying this is at least partly a result of inability to switch off from work
- in total 32% of remote workers say they are finding it hard to fully switch off from work
- 30% of remote workers report working more unpaid hours than before the pandemic (with 18% working at least 4 additional unpaid hours per week)
- 66% of those currently working remotely would support a 'right to disconnect' policy, which would require companies to negotiate with their staff and agree rules on when people could not be contacted for work purposes.

[A report \(August 2021\) from Autonomy on the right to disconnect](#), looked at existing research on the prevalence and impact of always being 'on' for work. They found that, across a number of studies, “findings show that if workers have a chance to mentally 'switch off' from their work, they are generally more productive, engaged on the job and convivial with colleagues. On the other hand, if workers do not have the ability to 'switch off' mentally from their work, they are more likely to experience symptoms of exhaustion...”

And because “the vast majority of those who work from home are women... [as they are] far more likely to shoulder the additional burdens of childcare, housework and care for elderly family members... women are at greater risk of negative health impacts.”

## **The right to 'disconnect'**

French workers have benefited from a right to disconnect since 2017 when a law was passed to ensure that workers had a right to stop taking work calls or respond to emails outside of their normal working hours. The law was introduced to address the 'always on' culture, whereby the line between work and home life had become increasingly blurred.

In 2019 Spain also introduced a similar law giving employees the right to privacy when using digital devices, and encourages policies allowing employees to disconnect to enjoy a greater work/life balance.

Canada is now considering similar rights. The Canadian minister for labour, Filomena Tassi has suggested that it would particularly help female workers as women are more likely to take on a greater share of household chores and caring responsibilities.

The Republic of Ireland has also recently introduced a right to disconnect. The aim is to help employees strike a better work/life balance while working from home. The Irish government has introduced a Code of Practice for organisations which includes:

- 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).

Six in 10 UK workers would support a 'right to disconnect' law, according to research from [Ipsos](#).

## → Quick checklist

- How is the employer addressing the health and safety risks of stress and mental health issues? Does the organisation have a mental health policy developed alongside the trade union, and does it take account of the specific needs of those staff members who are working from home?
- Are all workers aware of this policy and how it operates?
- Do managers receive training in mental health issues in the workplace, and do they act as role models in taking proper breaks, leave and switching off at the end of the working day?
- Do workers know where to go for mental health support such as the employee assistance programme or external organisations such as Mind?
- Have employers made sure the workload of their staff is at a safe level and that they are not put under unreasonable stress?
- Will the employer agree to rules about when staff can and cannot be contacted for work purposes outside of normal working hours? Do staff have a right to switch off and disconnect work from home life? Does the employer recognise that the lines between personal life and work can become blurred for



homeworkers, not least through the use of virtual meetings that intrude into the home space?

- At the very least, will the employer ensure that employees working from home are encouraged and able to take adequate rest breaks and not work excessive hours? In addition to the 48-hour limit on the working week, the Working Time Regulations 1998 require workers to take the following breaks: a 20-minute rest break, if working more than six hours per day, 11 hours of uninterrupted rest in a 24-hour period, 24 hours of uninterrupted rest per week (or 48 hours per fortnight).
- Are all staff expected to properly use their annual leave for rest and relaxation and not to work whilst on leave or use it for sickness absence?
- Are all staff expected not to work whilst off sick?
- Are all staff expected to get the right breaks and to not work beyond contracted hours?

## Loneliness, poor communication, digital overload

The CIPD's [monthly survey of workers](#) from April to September 2020, found that half of workers who were not attending their normal workplace during the pandemic had found their social connections at work had suffered.

The Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' found that many workers missed the workplace as a source of social interaction and support networks. Informal interactions were hard to replicate using digital tools.

The STUC report '[Covid-19 and Working from Home Survey: Preliminary Findings](#)' similarly found that the main reasons workers wanted to return to the workplace were that they were missing social interaction in the workplace (83%) and missing work interaction (75%).

"Flexibility is great, but no-one should be condemned to professional loneliness. Ultimately, what might suit some won't suit others. There has to be a choice.

Companies might be forgiven for seizing on the bottom-line advantages of shedding real estate and rent payments, but they certainly couldn't be forgiven for dooming their staff to what could turn out to be a desolate and debilitating existence."

[Paul Crawford, Director of the Centre for Social Futures at the University of Nottingham's Institute of Mental Health](#)

### → Quick checklist

- How does the employer plan to support homeworkers who feel isolated, lonely and disconnected from work colleagues? Will they provide additional investment to help ensure homeworkers are supported?

[Acas](#) suggests that "where possible, employers should provide different ways for people to stay in touch to prevent feelings of loneliness and isolation. For example, instant messenger tools, video meetings, as well as emails."

They suggest that regular "one-to-one meetings are good opportunities to talk about how work is going, as well as how people are feeling."

UNISON reps and branches should remember that contact with their union can be an important way of preventing homeworkers succumbing to feelings of social isolation. How do branch officers plan to support members who work from home?

- How does the employer plan to communicate with staff who are working from home? How do branch officers? Do they recognise that sometimes, the fatigue and anxiety experienced by homeworkers comes from the need to be always

digitally available, with an overload of chat, email, mobile phone and video meetings.

Acas warns that “using too many different methods to communicate can also be confusing and stressful. Employers should talk to their employees and any representatives about which communication methods work best and when... too many [online] meetings can reduce productivity and cause stress, anxiety and fatigue.”

- How does the employer plan to support homeworkers who need assistance such as with IT problems. Do staff know who to contact?
- Are staff being kept properly informed when they work from home so that they do not feel professionally isolated? Does the employer recognise that homeworkers can feel frustrated because of a lack of communication and not being kept up to date about changes within the organisation, or because they can't be kept up to date due to faulty equipment or poor IT?
- Remind employers of the Display Screen Equipment Regulations and the need for regular rest breaks for users of DSE (such as PCs, laptops, tablets and smartphones) – and this should include taking account of the amount of time spent on focusing on virtual meetings. The common experience often referred to as ‘Zoom fatigue’ is being more widely recognised as often causing stress and exhaustion.

## Domestic abuse and homeworkers

Over a quarter of respondents (27%) to [UNISON's 2020 equalities survey](#) felt working from home brought risks to their health, safety and wellbeing, and this could include additional problems of domestic abuse.

One member living with an abusive partner said: “Before lockdown, I was just about coping as long as I was going into the office. But being kept at home and my children spending even more time with their abuser has almost broken me.”

Nearly 4% of respondents said that they, or someone they know had been experiencing domestic abuse during lockdown.

The ONS have reported that the number of domestic abuse-related offences recorded by police rose in 2020 by 7% compared with 2019<sup>7</sup>.

During the COVID-19 crisis, the UK government acknowledged the particular anxiety caused by lockdown or other restrictions for those who are experiencing or feel at risk of domestic abuse.

The [CIPD \(Chartered Institute of Personnel and Development\)](#) has emphasised that, with more people working from home, “escape routes or time apart from an abuser may be dramatically curtailed.”

They add that “employers need to think about how support can be maintained as we all work in different ways. An empathetic, non-judgmental approach and flexibility (for example in working hours or concerning work tasks) are two key areas employers should focus on.”

The UK government also stress the need for people who are at risk of abuse to remember that there is help and support available to them, and these should be highlighted by employers, union reps and branches.

### → Quick checklist

- Is there a domestic abuse policy agreed at work? Does it take account of the particular circumstances of employees who are working from home, including providing job flexibility at this time, and ideally special paid leave in order for a

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[www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/articles/coronaviruscovid19roundup/2020-03-26#society](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/articles/coronaviruscovid19roundup/2020-03-26#society)

victim/survivor of domestic abuse to find a new home, get a place at a refuge, receive legal advice, open a new bank account, seek medical help etc? Are all employees aware of this policy? Are managers trained to operate this policy?

[Acas](#) outlines the sort of support employers should make clearly available should an employee be experiencing domestic abuse, such as:

- finding a way to communicate safely, for example by text message if calls are not possible, or a different email address if their email is being monitored by the perpetrator
- agreeing on a code word or hand signal for someone to use to alert others that they're experiencing domestic abuse
- arranging another place they can do their work instead of at home
- being flexible around working hours
- time off, for example to attend support appointments
- helping the person get other appropriate support.

- UNISON recognises that controlling and abusive behaviour can occur in mixed and same sex relationships, within extended families, and can affect men as well as women. However, the vast majority of the victims/survivors of domestic abuse are women and children, and women are also considerably more likely to experience repeated and severe forms of violence, and sexual abuse.

It is important that reps and branches raise awareness of the issues and highlight any [domestic abuse policy](#) that may be agreed at work, as well as external support services available, such as the [National Domestic Abuse Helpline](#) or [Galop](#) for LGBT+ people.

## Increased productivity and focus for some – but can come at a price

### A positive experience for some

One important observation from much of recent research to highlight in support of homeworking opportunities is how it can have a positive impact on work productivity.

Research from the Wales Institute of Social and Economic Research on [‘Homeworking in the UK: before and during the 2020 lockdown’](#) found that two-thirds of homeworkers said they were able to get as much done in June 2020 as they were 6 months earlier. A quarter said they got more work done.

The CIPD research, [‘Embedding new ways of working’](#) showed that two thirds of the employers they surveyed, reported that homeworkers were more or as productive as they were when in the workplace, as well as benefiting from improved focus (38%).

“Employers who say that productivity has not been affected or improved as a result of the shift to more homeworking refer to an increased ability to meet targets, more focused work time and a better work–life balance as key drivers...

Some employers also reported a greater focus on tasks and more streamlined ways of communication as key advantages of the new way of working.”

The report from the Institute for Employment Studies on their major research project [‘Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021’](#) similarly highlighted productivity positives about working from home. Nine in ten (88.4%) employees asked felt they had got at least as much, if not more, work done at home as in the office.

The research project also reported that “Interviewees commonly spoke of their relief at not commuting, and of the financial savings achieved. However, the time gained was of more value... Employees were liberated from dashing between commitments in different locations. They had more autonomy over their time to craft their own jobs and to spend more quality time with families. Organisations too benefited, as more employee time was invested in jobs, even if this was on a more flexible schedule. These gains translate across to the productivity scores reported.”

[UNISON’s 2020 equalities survey](#) found that many members felt more productive working from home, including one person who summarised the productivity benefits: “I get more done without all the distractions of being in a noisy, open-plan office.”

UNISON’s report [‘Covid 19 and disabled workers – time for a homeworking revolution?’](#) found that almost three quarters of disabled workers said they were more productive or just as productive. Reasons for increased productivity included reduced impact on pain and fatigue due to less commuting and an ability to work

more flexibly with additional breaks or later start times. Some disabled workers also commented that their homes were better set up to manage their impairments, including in terms of access to toilet facilities.

Additionally, disabled workers cited fewer distractions as helping to increase their productivity. For many disabled workers, the distractions they refer to were not simply colleagues asking questions but included the distractions of noise and lighting in busy open plan offices that do not make adjustments for disabled workers.

Neurodivergent workers and those with hearing impairments or mental health problems particularly reported that homeworking had allowed them to address these issues.

### **But a negative experience for many others**

However, whilst the Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' highlighted productivity positives about working from home, many workers also stated that they found that maintaining this during the pandemic takes its toll, with employees' responses on mental health and well-being ranking low.

Whilst productivity has been shown to improve or stay the same for most when working from home, it can cause difficulties for others, not least because most people's homes are simply not designed for their job.

Key findings from UNISON's survey covered in the report '[Covid 19 and disabled workers – time for a homeworking revolution?](#)' found, for those disabled workers who were less productive, reasons included lack of reasonable adjustments (53% had not been given any reasonable adjustments to support them to work from home), poor IT equipment and the mental health impact of homeworking.

And this impact on mental health and well-being is clearly highlighted in the evidence shown in the earlier section ('[Mental health problems and difficulties 'switching off from work'](#)').

Additionally, productivity may decrease simply because working relationships may suffer, and people are no longer able to pick up information from informal office conversations.

### **→ Quick checklist**

- Has the employer taken proper account of the productivity benefits and pitfalls to working from home?
- If hybrid working is proposed, are they considering best use of time spent in the office (more collaborative work and activities that benefit from face-to-face meetings and informal sharing) and time spent working at home (work requiring

focus and less distraction)? A fixed pattern of working at home and in the office may not be the most productive use of hybrid working.

- The most productive workers have some choice and input into how they can best work. Will the employer take account of the individual needs of workers, particularly where homeworking or office working has a negative impact on their productivity?
- Is the employer providing sufficient investment into providing reasonable adjustments for disabled homeworkers, IT equipment and ergonomic furniture for all homeworkers?
- Are they ensuring that homeworkers' improved productivity will not be as a result of increased working hours and never 'switching off' whilst working from home, to the detriment of the mental health of workers?



## Homeworking as a reasonable adjustment for disabled workers – but not an excuse to avoid reasonable adjustments in the office

### A positive experience for some

UNISON's survey covered in the report '[Covid 19 and disabled workers – time for a homeworking revolution?](#)' found that 54% of the respondents said they felt they would benefit from being able to work from home after the Covid-19 pandemic is over.

#### **Some examples of comments from disabled workers responding to the survey included:**

"I can hear better as I have hearing loss in both ears. The quiet of the home enables me to hear and think clearer."

"I live with bipolar. Working from home gives me a controlled quiet space with no distractions. When needed, I am able to interact with colleagues via email or phone."

"I'm autistic and the office is a relentless sensory assault. So much of my energy goes on trying to function while blocking out the sound, light and feel of an open plan office. I do not have to deal with the social anxiety I have whilst in the workplace with other colleagues."

"I don't need to start my day at 5am just to make sure I have all morning treatment and medication in order to be able drive to work. Getting up at 7 am makes massive difference. Less travel/ driving time means less impact on my disability."

"Able to work around my pain levels. On good days can do longer and can take regular breaks when I need to."

"Able to [...] fit work around life easier with no worries on how often I go to loo [due to Crohns disease]."

"I have managed to stay well at home and have not gone off work sick at all this year. If I were in an open plan office at work as I usually would, by now I would have picked up a cold or cough and as I have lung problems, it would affect me more than most."

UNISON's survey also revealed some examples of best practice in the local government service group. Many disabled staff were given the tools and resources they needed to work from home during the pandemic and there appeared to be a growing realisation from many employers that they needed to allow more staff to work from home in a post-pandemic world.

Many local government employers have also ensured that staff have the same adjustments at home as they have at work – or have provided additional adjustments required for homeworking.

It should be remembered that reasonable adjustments are specific to an individual person's needs. There are a variety of adjustments that could be made including altering work hours, installing software programmes on the worker's computer, delivering specialist pre-assembled equipment like a work chair, providing speech-to-text support or a BSL interpreter to join video meetings, or installing a specialist phone.

### **More information**

Reasonable adjustments: bargaining guide, model policy and accessibility passport [www.unison.org.uk/content/uploads/2019/10/25875\\_reasonableadjustments.pdf](http://www.unison.org.uk/content/uploads/2019/10/25875_reasonableadjustments.pdf)

Generally, working from home was found to give disabled workers more control over the pattern of their working day. From later start and finish times to the ability to timetable in more breaks, disabled workers could better manage their impairments without the rigidity of the work environment.

Disabled workers also welcomed the positive impact of not having to commute on their pain and fatigue. Many reported of a daily battle to get to work and the huge impact this had on their ability to work once there. Homeworking had completely removed this barrier for many.

The Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' similarly found that working from home offered positives in terms of enabling some people with long-term health conditions to remain in work which would have been impossible in an office.

### **But some disabled workers disadvantaged**

It is crucial that employers be reminded of their duty to provide adjustments both in work and at home for disabled people. Yet some disabled workers are clearly facing disadvantages when working from home.

In the UNISON survey of disabled members covered in the report '[Covid 19 and disabled workers – time for a homeworking revolution?](#)', many respondents had felt the need to buy their own equipment as they could not access reasonable adjustments.

Deaf workers were often particularly excluded from work colleagues due to a lack of reasonable adjustments. This led to a sense of isolation amongst some.

Some neurodivergent respondents said that they needed clear boundaries between work and home, and found it difficult to work from home without clear structures.

And the second biggest obstacle to working from home for disabled workers in the future was resistance from employers, even though many showed that it could help them better manage their impairments and improve their productivity.

**Some examples of the comments received from disabled UNISON members from the UNISON report:**

“At work I have my desk set up to meet my needs having had a work station assessment carried out by OH which unfortunately I can't replicate at home.”

“I have not been able to have my equipment whilst working from home. I isolated at the end of March and have not had my Dragon software installed on the lap top I am using. I have not been able to use my specialist keyboard and my specialist chair is at work. I also do not have an office area at home (desk etc) so my posture is affected. This also makes my fatigue bad, my body and hands painful and my cognition slower. Not having the right equipment is having a bad effect on me.”

“I need to use the phone a lot for my job, however the mobile supplied is an old style cheap Nokia, the sound quality is awful. I'm hearing impaired.”

“My environment is not set up for working from home. I have a visual impairment and cannot use the equipment set up to support my vision.”

“Unable to call or take part in group calls. My department doesn't use any form of video conferencing that would allow a sign language interpreter to be included.”

“My mental health has suffered partly due to my reasonable adjustments not being met. Worried it is going to be the new norm.”

In addition, of the disabled members who responded to UNISON's survey:

- Only 5% had help from Access to Work, the government's flagship agency that funds adjustments for disabled workers
- 41% did not know about Access to Work and 23% did not think Access to Work could help with working from home.

Reps and branches should make sure that employers are providing sufficient advice and support on working from home and reasonable adjustments for disabled workers. The [Access to Work programme](#) is administered through Jobcentre Plus and may provide grants towards the cost of various adjustments including adapting or purchasing equipment.

Many employers are unaware of the existence of Access to Work. Workers are eligible if they have a disability or health condition. The employer or worker then purchases the equipment, etc and reclaims the grant from Access to Work. The employer may have to make a contribution to the cost.

**For latest details** on levels and eligibility for grants, it is important for disabled workers to check directly with an Access to Work Adviser. Contact details are at [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work) ([www.nidirect.gov.uk/articles/access-work-practical-help-work](http://www.nidirect.gov.uk/articles/access-work-practical-help-work) for workers in Northern Ireland).

The UNISON report also highlighted how reps and branches must also protect disabled workers who want to return to the workplace from being forced to work from home in order to save the employer money or to help the employer avoid ensuring accessible workplaces. Homeworking should be a choice for disabled workers, not a requirement.

There must be safeguards so that disabled people are not made to work from home in order for employers avoid the provision of accessible workplaces. This approach could easily lead to disabled workers being forced out of the visible workforce.

The conclusions from UNISON's research were backed up by a more recent TUC report '[Disabled Workers' access to flexible working as a reasonable adjustment](#)':

"Disabled workers' experiences of working from home were mixed. Around two in three disabled workers (63 per cent) said that it had given them greater control of their working hours, such as the ability to take breaks when needed and almost half (47 per cent) had been able to change their work routines. Home working had reduced the fatigue and tiredness of two in five respondents (40 per cent).

However, too often disabled workers reported lacking the basic equipment to allow them to do their jobs at home. Over a third (34 per cent) lacked proper office equipment such as a desk, chair or computer. A prominent feature of remote working, both during the period of enforced home working and currently, is reliance on videoconferencing platforms such as Zoom to communicate and collaborate. One in 11 disabled workers (9 per cent) who worked from home experienced difficulties in taking part in online meetings because of their disability, impairment, or health condition. One in 14 respondents (7 per cent) told us they lacked the specialist software such as speech to text or computer programmes they needed to do their job.

In addition to this, three in five disabled workers (60 per cent) reported missing social interactions with colleagues when working from home during the pandemic, with three in 10 (30 per cent) saying their mental health has worsened overall as a result of working from home. This compares to over a quarter (26 per cent) of respondents who said their mental health had improved as a result of working from home."

UNISON is clear that disabled workers should always have the option to work from home if they want to as it may reduce barriers significantly, as long as there is a prompt provision of reasonable adjustments necessary for the home situation.

### → Quick checklist

- Does the employer consider the needs of each disabled worker individually on a case-by-case basis? Every disabled member is different and there is no exhaustive set of workplace adjustments.

- Has the employer a reasonable adjustment policy in place? If not, what is the timescale for implementation?
- Can workplace reps work with employers to review reasonable adjustments policies and practices specifically to see their effectiveness when it comes to implementing requests for flexible working?
- Will employers consider permanent or hybrid homeworking in itself as a potential reasonable adjustment for disabled workers? This should include the equipment needed to eliminate any workplace barriers a disabled worker might encounter when working from home.
- Are employers putting pressure on disabled people to work from home just to get out of providing reasonable adjustments in the workplace?
- Will employers provide the same reasonable adjustments for disabled workers when they work from home such as equipment, BSL interpreters for online meetings, software, specialist phone? If necessary, will they provide additional adjustments?
- Do disabled workers know about Access to Work?

## **A greener way of working, perhaps – but too often it means inadequate technology and inappropriate workstations**

### **Greener - perhaps**

One clear benefit of the greater number of people working from home during the COVID-19 crisis, was the reduction in commuting, not only fewer people using public transport but a noticeable reduction in car use during lockdown.

Employers may be keen to show that they are continuing to help the environment by cutting the amount of pollution caused by their workforce in a daily commute when advocating homeworking. The use of virtual meetings also means fewer business journeys.

In addition, many organisations contributing to The Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' reported how workers and managers had to adapt to less printing with many unable to print out documents whilst working from home. This resulted in finding new paperless ways of working.

### **Or perhaps not so green**

However, this assumption that homeworking is always a more sustainable way of working might be flawed in reality.

"[Research from WSP UK](#), a London-based consulting firm specialising in engineering, shows that remote work in the UK may only be more environmentally friendly in the summer. Examining the carbon output of 200 UK-based workers across different locations, researchers found that the environmental impact of remote work was higher in the winter due to the need to heat individual workers' buildings versus one office building.

"Energy management in buildings is generally more sophisticated than at individual homes," says David Symons, Future Ready Lead and Director of Sustainability at WSP UK. Because each individual remote worker keeps the heating on and tends to heat the entire house, working in a single office building ends up having a lower impact – even with the commute added in."

*From BBC website article '[Why working from home might be less sustainable](#)'*

### **And not necessarily fairer**

The Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' found that people were often having to adapt without warning to homeworking during lockdown, having to share

workspaces, lacking suitable desks, chairs and computers, struggling with poor WiFi and internet connections.

Workers “had little privacy, or had to be peripatetic, negotiating their use of space around household members’ relative need for quiet. Workspace could be more of an issue for young people living in shared accommodation and bedsits, often working in their bedrooms or in communal rooms. Managers observed that this could then link to deteriorations in well-being.”

The [RSPH \(Royal Society for Public Health\)](#) survey of workers, found that over one in four (26%) was working from home from either a sofa or a bedroom.

[UNISON's 2020 equalities survey](#) found that 49% of respondents had a lack of suitable equipment to be able to fulfil their work duties from home, as well as highlighting the flaws and failures in IT systems.

As one UNISON member stated in the equalities survey: “Although expected to work from home, I did not have suitable equipment and was not provided with any by work. I had to buy myself a new laptop, but still did not have access to three essential work IT systems.

Working from home had an adverse effect on my mental health as I felt under pressure because I was classed as working from home, but could not be productive as I couldn't access all work systems.”

For a number of UNISON members who responded to the [survey](#), there was also inequity in their access to IT and communications equipment.

One member described: “At home I could not access my work emails. Managers assumed we could, as they have work laptops and already work from home. Higher-paid staff were much better informed and were having Microsoft Teams meetings.”

And although many non-disabled homeworkers will have experienced issues with getting the right IT equipment and having a suitable place to work, for disabled workers this often also had a negative impact on their impairments.

Much was tolerated by workers during the temporary homeworking arrangements necessary during lockdown and pandemic restrictions. But if this type of working is to be offered as a permanent option, then it clearly requires careful planning and investment from the employer.

### → Quick checklist

- Is the employer preparing to take any additional measures or increase investment in homeworking arrangements? Are they purely approaching homeworking as a cost-saving exercise?

- Are they considering all areas needed for planning and investment, not just the provision of equipment and IT but a development of a homeworking or hybrid working policy, strengthening of the flexible working policy, training for line managers including related equality issues, consideration of how performance management systems will need to be adapted?
- Is the trade union involved in these preparations?
- Is the employer promoting homeworking as the greener choice? It should not be used as a quick way to get to tick the box on reducing the employer's carbon footprint whilst also cutting their costs and expenses. It may not be a greener choice, simply shifting the burden onto the worker.
- Has the employer considered other ways of ensuring a greener, more sustainable workplace?
- Do your negotiations include other ways of working that make the workplace greener? Does your workplace have an environmental rep able to lead on negotiations?

Green UNISON

[www.unison.org.uk/our-campaigns/green-unison/](http://www.unison.org.uk/our-campaigns/green-unison/)

Greener workplaces for a just transition – a Wales TUC toolkit for trade unionists

[www.tuc.org.uk/greener-workplaces-just-transition-wales-tuc-toolkit-trade-unionists](http://www.tuc.org.uk/greener-workplaces-just-transition-wales-tuc-toolkit-trade-unionists)



## **The visibility of homeworkers – challenges for career progression and staff development**

### **A positive opportunity for some**

UNISON members have reported that before the pandemic, there was a hierarchy in who was allowed to work from home, with more men than women, and more workers in managerial positions than in admin or clerical roles allowed. However, one positive aspect is that, in the future, the opportunity may become available to a much wider range of roles.

Offering homeworking jobs might open up opportunities to a wider, more diverse pool of applicants from a wider geographical area. In some cases, it could also help retain staff.

A September 2022 [YouGov survey for the BBC](#) found that just over half (56%) of women thought working from home would help them progress at work, since “childcare and caring duties become less of a hindrance to working full-time”.

### **But limiting prospects for others**

However, homeworking could run the risk of limiting prospects for some of the workforce.

[The CIPD and many other HR advisers](#), have warned of a risk of a creation of a two-tier workforce, where those who are present in the office receive career development opportunities, while those who have to work at home are less visible and may be overlooked in career progression.

Similarly [the House of Commons Women and Equalities Committee](#) recently highlighted that working from home could particularly create challenges for career progression for women, with a risk that permanent homeworkers become ‘invisible’ and left off the career ladder. A number of witnesses also pointed out to the Committee that working from home does not cause care responsibilities suddenly to vanish.

ONS analysis suggests that the rewards for homeworking were typically less for those who exclusively worked from home. On average they are paid less, less likely

to get a bonus, less likely to get promoted, and less likely to receive training.<sup>8</sup>

The Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' found that only 33% of employees who had been working at home said they had engaged in extra training or learning during lockdown to enhance their skills, less than the national figure of 43%.

A report produced jointly by Microsoft and the CIPD HR professional organisation, [Work Smarter to Live Better](#) found that 36% of respondents to its survey at the end of 2020 said that it is harder for them to make an impact when they are working remotely. To address these concerns, people are working longer and harder to make an impact. Nearly half (48%) feel that they need to communicate more to demonstrate their value. And one-third (32%) worry that 'out of sight' means 'out of mind' when it comes to promotions.

Other career dangers of homeworking have also been reported<sup>9</sup>. [Research from Gartner](#) highlights how that at least three broadly drawn groups of workers are experiencing 'unfair' career consequences whatever their productivity when working from home.

They are:

- Digital introverts – employees who are less vocal in virtual meetings. They are more likely to be ignored by managers because of bias in favour of those who are more visible.
- Women – remote working is proving damaging to the progression of female workers and gender equality in the workplace. A big part of this is due to the increased childcare responsibilities that many women are taking on, but also many important gender equality initiatives are being deprioritised during the pandemic.
- Newer staff – inadequate remote training opportunities and not feeling valued as part of a team means new employees are struggling to progress and are less likely to be engaged during the remote working era.

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<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/homeworkinghoursrewardsandopportunitiesintheuk2011to2020/2021-04-19>

<sup>9</sup> [www.personneltoday.com/hr/businesses-need-awareness-of-remote-working-dangers/](http://www.personneltoday.com/hr/businesses-need-awareness-of-remote-working-dangers/)

Employer will need to be mindful of the attraction of this type of flexible working option to particular groups of workers, not only women as suggested above, but disabled workers who use homeworking as a reasonable adjustment.

But, as shown by the evidence, this lack of visibility in the employer's workplace may lead to lack of career progression, mental health problems, isolation and loneliness. As a result, particular groups within the workforce may be disadvantaged.

For example, the CMI and Work Foundation report '[Making hybrid inclusive – key priorities for policymakers](#)' found that workers with caring responsibilities were more likely to feel less connected to colleagues who are working remotely as they are less visible (63% compared with 55% of those without caring responsibilities).

The [research](#) also found that managers have particular concerns that hybrid working could mean younger staff (under 24 years old) may be at risk of missing out on workplace opportunities, such as accessing networking opportunities, stretch projects, or representing the organisation at external events, with 36% of managers highlighting this as a concern.

### → Quick checklist

- Is any new homeworking or hybrid working policy equality impact assessed? Is the trade union involved in this assessment?
- Will the employer monitor the take-up of the policy in practice, to ensure that certain groups are not disadvantaged because they work from home?
- How does the employer plan to protect homeworkers from becoming invisible in the workforce?
- How does the employer plan to ensure that homeworkers receive the same opportunities for development and training and career progression?
- How does the employer plan to ensure that homeworkers continue to receive opportunities for collaborative work with colleagues?

## Ensuring confidentiality and data protection at home

### Collection and storage of data at home

Whereas the increasing digital nature of work allows workers to be based anywhere as long as they have access to the internet, there still remains a considerable amount of work-related information that is paper-based. Safe, secure collection and storage of this information within the home setting must be considered and planned for by the employer.

But data protection issues also affect the information collected digitally.

### Monitoring and surveillance of staff

In addition, data may be being collected about individual workers whilst homeworking. For example, employers might seek to monitor their employees' use of electronic systems whilst working and to check email content and traffic, e.g. looking for danger words, blocking internet sites, looking at telephone usage to ensure performance and quality control.

Certainly, during the pandemic, there has been seen an increase in the use of monitoring and surveillance of staff whilst working from home, using the latest technology.

For example, accounting firm [PricewaterhouseCoopers \(PwC\)](#) was criticised for the development of a facial recognition tool for financial institutions that logs when employees are absent from their computer screens while they work from home during the pandemic. They argued that workers would normally be monitored for security purposes on trading floors.

Unsurprisingly, privacy concerns about the tool were raised as it used an individual's computer webcam to recognise the face of the worker.

Recent research highlighted by the TUC in their report '[Technology managing people](#)' found that the increase in homeworking during the Covid-19 pandemic has almost certainly already increased the use of artificial intelligence (AI) powered technologies to manage people.

[A recent survey conducted by the LSE's Centre for Economic Performance](#) found that more than 60% of firms have adopted new technologies or management practices since the start of the pandemic and more than 90% said they expected to keep the changes in place.

The [TUC's own research](#) found that "the use of AI in people management can also impact on the employment rights of workers. For example, the deployed technology might result in discriminatory and unfair outcomes for workers, their human right to

privacy might be infringed, and their data might not be handled in accordance with data protection law.

In addition, there are significant implications in terms of workers' physical and mental wellbeing, for example when workers experience the extreme stress and pressure of constant, AI-driven 'real-time' performance assessment and monitoring."

This type of monitoring and surveillance can certainly have negative implications for trust and productivity. There are not only privacy issues involved in such usage of monitoring technology.

**CIPD (Chartered Institute of Personnel and Development) research** unsurprisingly found that nearly three-quarters (73%) of employees' felt that introducing workplace monitoring would damage trust between employers and staff, something that could be a real threat to future harmonious workplace relations.

**Acas** warns "if monitoring is too much or does not respect the employee's privacy, it can damage employees' trust in the employer, cause stress and reduce productivity. Employers should also remember that employees are entitled to some privacy at work, including when they are working from home..."

Any monitoring arrangements must follow data protection law."

## → Quick checklist for negotiations

- What provisions has the employer made for the dealing with storage, use and security of confidential data whilst working at home, both paper-based and digital information?

A starting point for any branch or rep is to look at the employer's data protection policy and to ask for the data protection impact assessment in relation to homeworking. Can the employer demonstrate that they are being followed and in doing so they are being compliant with GDPR and the Data Protection Act 2018? It may be worth pointing out to employers that under the General Data Protection Regulation (GDPR), employers must be able to actively demonstrate to the regulator that they are complying with the law. Fines for getting it wrong have increased to 20 million Euros or 4% of the total annual worldwide turnover (whichever is greater).

- What about mail – where should it be sent to both protect the personal details of the worker but also to ensure there is no delay in sending out or receiving correspondence. Might there be a need for mail boxes?
- Has the employer taken account of data protection issues and confidentiality with the use of virtual meetings whilst homeworking? It can be very easy to record online meetings without anyone realising. Is there an agreed protocol? Are workers invited to turn off cameras or use virtual backgrounds? Are meeting

participants always asked first before there is any recording? Is it clear that any underhand recording is a serious disciplinary offence? There should also be clear instructions for clients and service users etc. and what action the employer will take if protocol is broken.

- Is the employer using technology to monitor workers' activity etc whilst working from home? If so, has the employer carried out a data impact assessment? How is data used, stored and destroyed? Are individual workers aware of this collection of data and have they consented to it?
- Have employers consulted with workers before introducing any new monitoring arrangements for homeworkers? Reps and branches need to demand clear details of any performance monitoring programmes used by employers.
- Have they given clear reasons for the monitoring? And are these reasons legitimate and in proportion with the need. Employees need to be clear about what information is likely to be collected about them, why it is being collected and how the employer wishes to use that information.

For example, workers will be data subjects where an employer decides to collect, and process information related to their health such as COVID-19 vaccination status or of people living in the same household. Essentially an employer must have a good reason for monitoring, and any monitoring should be proportionate. The rights of a data subject are enforceable through the [Information Commissioner's Office \(ICO\)](#).

- Does the employer have a privacy policy that all employees know about?
- Does the employer have a data retention policy? Are staff told what information is recorded and how long it is kept and for what purpose?
- Are all staff who handle data appropriately trained to ensure they follow data protection procedures?

## Improving the management of remote workers – not just about visibility

### Benefits for employers

Increasingly the workplace culture where workers are totally office-based is being seen as old-fashioned, unnecessary and unhelpful to both the employer and the worker.

A more flexible way of working can actually help strengthen the sense that workers feel they are being trusted by their managers to simply get on with their job without constant scrutiny and micro-management. And this level of trust can provide a positive outcome for the employer.

Durham University Business School and the University of Coimbra in Portugal in their [study 'Trust and workplace performance'](#) across 28 countries including the UK, found that a strong sense of trust in the management-employee relationship also correlated with higher levels of productivity. Additionally, they found greater feelings of harmony and understanding among the workforce.

“Trust between the parties (and no less an important absence of trust or disaffection) are important drivers of good – and bad – firm performance. And good industrial relations trumps any specific type of employee representation.”

[Durham University Business School economics professor John Addison](#)

### But entrenched workplace cultures

However, some workers are contending with an entrenched workplace culture, even if it can now seem outdated to many modern workers and employers.

The more generalised opposition to remote working stems from “old-school” perspectives from “older, greyer, C-suite executives”, according to Kate Lister, president of Global Workplace Analytics (GWA), a research and consulting firm focused on the future of work. “They have a mentality of ‘butts in seats’,” she says. “Managers don’t trust employees to work untethered.”

*From a BBC website article [‘The bosses who want us back in the office’](#):*

Research from the Wales Institute of Social and Economic Research on [‘Homeworking in the UK: before and during the 2020 lockdown’](#), discovered that “a common fear among employers is that without physical oversight, employees will shirk and productivity will fall” even if this has not been borne out during the last year or so of COVID-19 homeworking.

Many employers are insisting on a full-time return to work in order to physically monitor their employees’ productivity based on hours worked and not quality of work



done, rather than trusting their employees to continue to be productive whilst working at home.

There is also a risk of 'out of sight, out of mind', with the better opportunities and more interesting work being allocated to those working in the office.

As the [Chartered Institute of Personnel and Development \(CIPD\)](#) suggest, employers need to “ensure managers understand that visibility is not the key to performance and that they explore new ways of communicating, delegating and working with their teams to meet targets and deadlines.”

The [Chartered Management Institute \(CMI\)](#) point out: “Better line management is essential - to remain focussed on outputs not hours, empathy, agility, and employee well-being.”

Similarly, the Institute for Employment Studies report '[Working from Home under COVID-19 lockdown: Transitions and Tensions – January 2021](#)' found that new people management skills were needed from line managers to co-ordinate different working patterns and to manage staff who were geographically dispersed, as well as to support employee well-being.

The Institute calls for employers to invest in training of line managers so that they can best support and develop staff wherever they may be working.

### **UNISON case study**

A community sector employer proposed a shift to a complete homeworking model, with all offices closed, replaced by a smaller number of flexible working hubs with no-one working regularly or routinely within them.

Hub locations had been chosen on the basis of cost, rather than where would best enable the existing workforce to access the facilities, proximity to adequate public transport, or other such factors. And the proposal was for a very limited number of desks at the hubs.

However, in the process of the consultation with the trade union, the following was achieved:

- An increase in the number of desks in each hub, such that there would be enough desks to support a generally blended model of working; everyone having the ability to work in an office once a week, and those with special requirements, more often.
- Reopening of some offices on a short-term basis while hubs were developed.
- Provision of desk spaces at some of the work sites (depots) used away from the office. Over the last few years, these were anyway becoming more like offices as IT had been installed and training rooms developed. This would then enable



more people to have a desk accessible within a reasonable distance from their home.

### → Quick checklist

- Will all managers receive training on managing staff who are working from home? Working in a very different way clearly requires a different level of trust between managers and workers, and it is important that employers remind managers of this and provide training on the appropriate management of remote workers.
- Are performance management systems being adapted so that they can work effectively for homeworkers?
- Do managers regularly check that they have up-to-date contact details for staff and let workers know who they should contact if they have any concerns, such as health and safety issues, IT problems or data protection worries when they are working away from the office?
- Are managers clear about team communications, their frequency and timing, and also when workers can be reached by phone, video link, text or email? And how members of their team can reach them?
- How are communications between team members encouraged to ensure necessary information and experiences are shared?
- Are staff clear about behaviours expected in relation to work policies whilst working from home, and potential consequences for breaching these? Is the policy or are individual agreements on homeworking as a flexible working option clear about the expectations of those working from home such as their working hours, reporting sickness absence and annual leave, as well as a continued need to comply with other workplace policies?
- Are working hours flexible, for example around caring responsibilities at home, as long as full number of hours are fulfilled within the week? Can the individual have some autonomy as to how they use their hours or are they expected to work core hours as if they were in the office?
- Does every staff member continue to benefit from some face-to-face meetings and training? How are opportunities for learning from colleagues facilitated? Is it made clear that there will be a need for permanent homeworkers to attend updates, meetings, workshops and courses at the workplace?
- For many occupations (such as social workers) an important aspect is informal learning from the experiences of colleagues. Similarly, this need to informally learn from the experiences of colleagues around them, should be considered for new workers, students and those on work experience. How is this addressed in any homeworking policy so that remote workers do not lose out?

- Do managers ensure that homeworkers experience the same career development opportunities as their colleagues based in the workplace?
- What will determine when an employee is expected to come into the office – on a rota basis? On a set pattern for each individual? In response to the needs of the work, particular duties, activities, projects, meetings? Are employers planning for how those who come into the office will be allocated workstations whether through a booking system or hotdesking policy, and how appropriate and useful such systems are for office workers?

Whilst hybrid working will provide opportunities for training, informal learning and workplace visibility, employers will need to plan ahead to ensure a smooth transition from working at home to working in the office within each working week, taking into account technological needs, reasonable adjustments for disabled workers, availability of workplace workstations and equipment required for both locations.

- Employers may see hybrid working as an opportunity to make savings on office space and overheads. Is there an expectation from the employer that the work practice in the office may also need to be adapted (perhaps because of a reduction of space)? Is the trade union being consulted and are the needs of individual workers taken into account when changes are being considered so that no-one is disadvantaged?
- Is the employer ensuring that any future opportunities for homeworking are made available to all staff at all levels or grades?

## Homeworking expenses and allowances

Whether homeworking expenses and allowances are taxable or not can be a complicated issue. It's important to note that Her Majesty's Revenue and Customs (HMRC) does differentiate between those workers who *choose* to work from home and those who *have* to work from home.

### Having to work from home and HMRC

For example, those who had to work from home during the pandemic because of COVID-19 restrictions could claim actual expenses for not only equipment and stationery, but a proportion of additional household expenses, such as gas or electricity charges.

HMRC had allowed this non-taxable allowance during lockdown because everyone was instructed to work from home by the government.

Because apportioning additional heating, electricity and water costs can be very difficult to work out fairly, HMRC stated that for tax years 2020/2021 and 2021/2022, employers can agree to a flat-rate tax-free payment of £6 per week or £26 per month for monthly paid employees for those employees working regularly at home, even if it is not for the whole year.

If the £6 guideline rate is paid, the employee does not have to keep any records to demonstrate the additional expenditure, such as providing receipts or copies of bills to their employer. HMRC expects that £6 per week would be sufficient for most cases, particularly where the additional costs are only for heating and lighting the work area within the home.

**This continues for 2022/2023 where a [homeworking arrangement](#) is in place. There are two tests in order to qualify:**

- **there must be arrangements between the employer and the employee**
- **the employee must work at home regularly under those arrangements**

The arrangements need not be in writing but usually will be. It does not apply where an employee works at home informally and not by arrangement with the employer. For example, it will not apply where an employee simply takes work home in the evenings. It applies where an employee works at home by arrangement with the employer instead of working on the employer's premises.

If the employer will not agree to pay this tax-free allowance for homeworking, individuals may be able to claim tax relief on this expense for tax years 2020-21 and 2021-22 – in other words the amount will be deducted from the individual's taxable income.

However, if the worker does not earn more than the tax-free personal allowance (currently £12,570 per year in 2021-22 tax year) and therefore does not pay any tax, they cannot benefit from this tax relief.

In this situation, it would be fairer to press the employer to reimburse the costs to low paid workers directly (either actual costs with evidence provided or at the HMRC flat rate) so that those on low incomes are not disadvantaged with the additional costs to them of working from home.

Details of how any tax relief may operate for the tax year 2022-23 are not yet known at the time of writing.

Employees can check if they can make a claim by completing details requested via [www.gov.uk/tax-relief-for-employees/working-at-home](http://www.gov.uk/tax-relief-for-employees/working-at-home).

However it is not yet clear if a similar claim can be made from this site for the 2022-23 tax year.

This tax-free allowance or tax relief (currently £6 per week or £26 a month for employees paid monthly) will continue to be available to employees if homeworking has been imposed by the employer in a new post-COVID way of working, and the contract of employment has been changed to reflect the new work-base. It is not available for employees who choose to work from home in part or full, rather than go into the employer's workplace.

Employees can check if they can make a claim by completing details requested via [www.gov.uk/tax-relief-for-employees/working-at-home](http://www.gov.uk/tax-relief-for-employees/working-at-home).

HMRC currently state that employees “**need to work from home**, either because equipment they need is not available at your workplace, or their work means they have to live too far away from your workplace to travel there every day.”

Any additional allowance provided will need to be proven as actual expense to HMRC otherwise they will need to be treated as taxable earnings.

If claims are for more than the HMRC's £6 per week guideline amount, then the employee will need to:

- check with the employer beforehand to see if they will make these payments
- keep receipts.

Employees will only be able to claim for things that are solely used for work purposes and they will need to provide some proof (receipts, copies of bills, invoices etc.). Employees can either claim through PAYE if agreed by their employer, where the rebate will be paid through an adjusted tax code over the following tax year, or through a self-assessment tax return.

If the employee does not complete a self-assessment tax return (which is unlikely for most employees on low or middle incomes) employees can use an [HMRC form, p87](#) that allows employees to claim back expenses up to a maximum of £2,500. The employee will need their employer's name and PAYE reference (which they should be able to find on their payslip or P60), and their job title.

It should be noted that workers are not be able to claim for things that are used for both private and work use, for example, rent or broadband access (unless the employee did not previously have broadband and it is solely set up for work use and any use for the employee's private purposes is not significant.)

More details from HMRC on non-taxable expenses for employees who have to work away from the workplace [www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim21611](http://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim21611)

### **Choosing to work from home and HMRC**

To HMRC, a genuine home worker is one who cannot perform their substantive duties anywhere other than their home, so a hybrid worker who works part of the time in the employer's workplace is unlikely to be regarded as a permanent home worker for tax purposes.

In addition, if the employee *chooses* to work from home full-time, (such as through a flexible working option), but there remains an option to work at the employer's workplace, they will not be able to claim the tax relief (currently £6 per week).

However, in both cases the workers can continue to have the actual cost of equipment and stationery reimbursed or provided to them by the employer tax-free, but *not* the additional household expenses such as utility costs.

If they get any additional household expenses paid or any homeworking allowance from the employer whilst choosing to work from home, this could be regarded as taxable earnings, and income tax and national insurance may be deducted from the amount.

However, this does not mean that employers should rule it out. Whilst homeworkers may benefit from a reduction in travel costs to and from the workplace, they have to cover a considerable amount of additional expenditure, that is usually covered by the employer – from the teas and coffee available in the office, to the electricity, gas and metered water used throughout the working day.

Some individuals who work from home may also be penalised because their broadband contract is not unlimited and data is charged at a premium over certain usage. Extra use for work may mean considerable additional cost. Additionally, the broadband speed may be basic, adequate for personal use but slow and inconsistent for work use.

It may also be necessary to highlight to the employer problems with maintaining phone communication with homeworkers, even if a mobile phone is provided by the employer. Very often there are problems getting mobile phone signals inside people's home and calls may just go straight to voicemail. Employers may need to take this practical issue into account when providing equipment and covering expenses.

### **Additional costs and homeworking allowances**

Workplace reps and branches may need to provide some evidence of the additional costs to workers when negotiating with their employer, perhaps examples of utility bills before and after the homeworking period during the pandemic restrictions or staff responses on additional costs collected through a survey.

So far, an acceptance that a homeworking allowance is necessary in order to be fair to homeworkers, is not generally recognised.

However, there are some examples listed by the [Labour Research Department](#) across all sectors:

- Care Quality Commission - homeworkers allowance of £514 per year
- Citizens Advice Bureau - During the coronavirus outbreak, a £48 monthly homeworker allowance for all staff, and up to £250 for adjustments
- Home Office - Homeworking allowance recently increased from a £113pa to £312pa (£26pm) for staff who are contractually permanently based at home.
- Santander UK/Santander Technology/Santander Operations - Homeworking allowance: A financial allowance for S1/G1, S2/G2 (and equivalents in Santander Technology) staff who opt to take up the Santander Transformation dual location contract. This includes a one-time gross cash lump sum of £500 (subject to deductions) in order to allow staff to arrange a suitable home working environment (with IT equipment and chair already provided) no earlier than July 2021. Not pro-rated for part timers. Then, from July 2022 (at the earliest) a £500-a-year allowance paid from the anniversary of the £500 lump sum payment on an ongoing monthly basis. This is pro-rated for part timers and subject to deductions.

But employers vary widely in whether they consider homeworkers should be due an additional allowance or a pay cut.

A recent (August 2021) [HR software provider CIPHR survey](#) found that up to 68% of businesses contacted were debating whether or not to introduce pay cuts for staff who choose to work from home. This is despite over half of those surveyed (53%) agreeing that they saved money with an uptake of remote working.

However, in another [recent poll for the Employee Benefits website](#), most employers asked rejected the idea of cutting pay for staff who continue to work from home once

the COVID-19 restrictions are lifted. In fact, more than a quarter of these employers (27%) believed that these homeworkers should be paid more.

Nonetheless, during the pandemic, other than allowances provided for the purchase of equipment such as laptops, or reimbursement of actual costs or loan of items, in general employers have provided no contribution towards broadband connection, electricity, gas, water etc.

And UNISON reps and officers are reporting that employers are showing a reluctance to address the additional costs to homeworkers in the future, particularly for hybrid workers.

But even where allowances are provided by employers, negotiators should be wary in case the employer is offering them as an alternative to increasing pay overall, which will offer more long-standing benefits to all staff. A workplace survey could also indicate whether a more substantial pay rise that will benefit all staff regardless of whether they are working from home or not is preferred to bargaining over a homeworking allowance.

Staff may also prefer negotiations to focus on improved equipment and technology for homeworkers – such as ergonomic chairs, desks, mobile phones, printers, and better broadband connections.

A recent (September 2021) [survey](#) from the Chartered Management Institute showed that half of managers (50%) polled said employees should be responsible for 'fit for work' connectivity at home, while only 42% said the onus is on their employers. This is in spite of almost all of the managers polled saying that a reliable broadband connection for staff working remotely was crucial for organisational productivity, growth and inclusivity.

Yet half (51%) said that staff had experienced problems resulting directly from unreliable broadband connections during periods of lockdown, with employees left unable to make video calls and being forced to drop out of important meetings.

## **Travel expenses**

The issue of the work-base can similarly affect the taxable nature of some travel expenses.

As mentioned already, HMRC considers that a genuine home worker is someone who cannot perform their substantive duties anywhere other than their home, regardless of what may be stated in the contract of employment.

So the worker's permanent work-base would remain the employer's workplace where the worker is able to work from the employer's workplace on some days of the week under hybrid or blended working arrangements. This will also be likely to be



the case for those workers who choose to work from home full-time as part of a flexible working option.

This means that any commuting from home to the employer's workplace would not be counted as business travel and not be eligible for tax relief or be treated as a non-taxable expense if reimbursed by the employer.

As far as HMRC is concerned, travel between an employee's home and designated work-base is considered a taxable benefit.

However, journeys to other work appointments such as to clients or customers, from either the worker's home or from the employer's workplace can be regarded as business journeys and not part of the regular commute, and so should be eligible for tax relief. HMRC would expect these journeys to meet the rules for travel to a temporary workplace.

**"A workplace is a temporary workplace** if an employee goes there only to perform a task of limited duration or for a temporary purpose... The test is whether the employee has spent, or is likely to spend, 40% or more of his or her working time at that particular workplace over a period that lasts, or is likely to last, more than 24 months."

More details at [EIM32075 - Employment Income Manual - HMRC internal manual - GOV.UK \(www.gov.uk\)](#)

However, the employer is advised to contact the HMRC for clarity on the particular circumstances of their situation. As shown by case law, the issue is very complex and the employer may need to get approval from HMRC to pay it tax-free.

### **Case law**

In the case of *Kirkwood v Evans [2003]* Mr Evans was a civil servant who lived in King's Lynn and worked in Leeds. His employer introduced a voluntary homeworking scheme under which Mr Evans was allowed to work at home and to travel to Leeds one day each week. Under the scheme Mr Evans lost his office space in Leeds but was provided with equipment to support an office at home. Either Mr Evans or his employer could terminate the homeworking agreement.

Mr Evans argued that travel between his home and Leeds was travel in the performance of the duties of the employment and so non-taxable when reimbursed. The High Court rejected that argument and commented: "his choice to live in King's Lynn rather than Leeds was historical and is unconnected with any term of his employment. The necessity of travelling to Leeds is dictated by his choice of the place where he lives and not by the nature and terms of the job itself."

Mr Evans also argued that he was entitled to relief for the additional household costs he incurred while working at home. This was rejected because: "the homeworking



scheme was optional. Mr Evans was permitted to work from home but he was not required to do so. He took up the option because for perfectly understandable reasons it was more convenient for him to remain at home for most of the week rather than to travel to Leeds. Working at home was not therefore a necessary incident of his employment.”

More information from HMRC on travel expenses and tax [www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim32350](http://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim32350) including travel from home when home is the place of work [www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim32370](http://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim32370)

One thing to bear in mind in negotiations over travel expenses for homeworkers, is that if the full travel cost of all business travel is reimbursed to homeworkers, those who have to work in the office may feel disadvantaged in having had to pay for their commute.

In some cases where employers are reluctant to pay the full business travel expenses to permanent or regular homeworkers, negotiators may want to consider suggesting a designated office base as a compromise for the purposes of claiming mileage, for example, the employer’s headquarters or the nearest office base to the individual.

### **Other expenses**

Homeworkers may also need to check with their home insurers, mortgage providers or landlords if there are any issues with them working from home.

In most cases, there should be minimal changes to insurance if the work at home is largely confined to clerical work – generally defined as working on a computer and making phone calls – as long as there are no work visitors to the home nor stock stored there.

Homeworkers should advise anyone with an interest in their property (such as a mortgage lender or landlord) of their homeworking arrangement to ensure that they are not subject to terms and conditions or covenants which prevent them from working from home. If they are a home owner, they should also check their title deeds to ensure that it does not prohibit homeworking.

It is extremely unlikely that there would be any liability for business rates for the home worker unless they are lucky enough to have an area of their home dedicated exclusively to their work and not for domestic use at all.

### **Locational allowances**

There is considerable concern from workers, that any introduction of homeworking or hybrid working could lead employers to consider cutting locational allowances such as London weighting.

## UNISON case study

When a community sector employer proposed to shift to a complete homeworking model, with all offices closed, it was agreed early on with the union to establish a 'no one will lose' principle.

However, the closure of the London offices led the employer to initially suggest that inner and outer London weighting payments should be removed. But this was clearly going against the 'no losers' principle. In the end, the employer agreed to continue to pay London weighting to those who currently received it, even if they would no longer use an office in London.

The union reps pushed hard in negotiations for an allowance to be paid to reflect the extra costs to be incurred by workers whilst working from home such as for utility costs. Unfortunately, the employer would not agree to any homeworking allowance although the matter may be pursued in the annual pay round.

However, they did secure a £250 one-off 'transition' payment to everyone who had previously had an office base but would now have a contractual home base.

### More information:

Bargaining on locational and occupational pay supplements

[www.unison.org.uk/locational-and-occupational-pay-supplements/](http://www.unison.org.uk/locational-and-occupational-pay-supplements/)

Whilst locational supplements are not a substitute for proper basic pay rises, an employer who proposes to cut such an allowance will, in practice, be cutting salaries for workers. Such a proposal is bound to be met with opposition from workers, particularly as there is a clear increase in personal costs when working from home.

Savings on commuting costs might be limited for hybrid workers where, even with some flexibility in public transport costs, the biggest savings in travel costs are for those who are able to buy season tickets.

## → Quick checklist

- Is all workstation and IT equipment and stationery provided by the employer for homeworkers or directly reimbursed to the employee?
- Will the employer agree a principle of no-one losing out financially if shifting to a working from home policy?
- Are employers aware that considering an unfair pay cut to homeworkers could amount to discrimination if factors such as disabled employees for whom homeworking is a reasonable adjust, and employees working from home due to childcare or caring for disabled dependents are also taken into account?
- Will the employer agree to pay a homeworking allowance, even if it is regarded as a taxable benefit by HMRC? This is particularly important should the employer argue that other living allowances (such as travel and mileage costs or

location allowances) should be reduced to those who predominantly work from home. Although HMRC may regard such an allowance as a taxable benefit, it does not mean it isn't legitimate and that additional expenses are being incurred. The issue is that it can be very hard for workers to find ways of proving these additional costs.

- If a regular allowance is not agreed by the employer, will they agree to a transition lump sum payment?
- Check the contract of employment. Are any existing allowances and expenses contractual? Are relevant existing policies related to expenses incorporated into the contract of employment or part of collective agreements? If so, is the employer proposing a variation in the contract? There must be consultation and agreement with individual employees or through a collective agreement to make the change.
- Will the employer agree to pay all work-related travel costs including to the office, for those workers who permanently work from home throughout their working week?
- If there are any additional costs involved for home insurance (such as higher insurance premiums) try to negotiate with the employer to cover them.
- Has the employer ensured staff that their own insurance covers employees and the organisation's equipment whilst working from home or travelling and working remotely?

## **The employment contract - to vary or not to vary**

### **What is the normal working base? And does it need to change?**

The starting point for considering any working arrangement is what an employee's contract says – and this includes what it says about their normal working base.

Ideally, the employer will aim for a meaningful consultation to reach agreement on any changes to the contract of employment including when changing the work-base to the home, or to include it as an option to be allowed as required by the employer.

As many workers may have come to recognise some benefits from working from home, negotiations over permanent homeworking may be fairly straightforward if this is something the employer wants to continue in the future.

However, any such negotiations should still take account of the needs of those many individuals who found working from home a real struggle, as documented in the sections above.

A good employer will go some way to address these concerns and provide options in working practice for those that could be disadvantaged by such a change.

### **Exceptional circumstances such as during the pandemic**

It should be noted that, if government guidance is telling people to work from home as has occurred during the COVID-19 pandemic, custom and practice will not play a part in the contracted work-base. It depends on the industry and the circumstances.

However, as the UK government has now removed this guidance, custom and practice in relation to homeworking may become relevant after a few months dependent on the particular circumstances of the workplace.

No change of contract can be fairly made without individual or collective agreement. As the circumstances of homeworking can vary so widely dependent on the individual, any policy to permanently change the work-base should ideally also be explicitly agreed with each individual.

As a recent survey of all [UNISON members working in local government in Scotland](#) highlighted, any collective consultation and majority decision will not please all the people all the time.

“Unsurprisingly views were mixed [about homeworking]... This underlines the importance of ensuring our members are properly consulted and engaged about future working arrangements post-Covid. We know that many local authorities are looking at reducing office space going forward but this clearly demonstrates that one size does not fit all - managers need to be flexible in their approach and cognisant of the need to ensure all employees are engaged and supported, particularly if they are managing remote teams in the future.”

If agreement is reached following consultation, then the employer must confirm the change in writing within a month. A letter to each worker is sufficient. A new contract does not have to be provided.

### **Enforcing homeworking – risk of ‘fire and re-hire’?**

If agreement cannot be reached, employers may bring about the change by dismissing and re-engaging staff, also described as ‘fire and re-hire’ in the media.

If the employer intends to unilaterally impose contractual changes (e.g. to introduce permanent homeworking), they must give contractual notice. Normally a period of 3 months might be used before introducing new contracts.

Additionally, if an employer is planning to dismiss and re-engage up to 20 or more employees from the same workplace establishment, then collective information and consultation under s.188 Trade Union and Labour Relations (Consolidation) Act 1992 must be followed.

This means the employer must consult with any recognised trade union or, if there isn't one, then an employer must facilitate the election of employee representatives and then inform and consult with those persons. Where employee representatives have been elected specifically for the consultation, an employer may need to provide training for the role. Consultation has to commence when an employer proposes to dismiss staff.

If the changes cannot be made under the terms of the existing contract and the employee is not prepared to accept the new contract, then the reason for dismissal may be redundancy under s.139 of the Employment Rights Act 1996.

The issue then for the employer is whether they are able to demonstrate – to a Tribunal if necessary – that the homeworking role offered, was a suitable alternative employment and, even if it was, whether the employee's refusal of the alternative role offered under the dismissal and re-engagement process was unreasonable.

It would be difficult to determine how hard it would be for the employee to win on the grounds of unsuitability at a Tribunal, without taking into account the specific details of an individual's circumstances, so legal advice is essential.

**If reps and branches have concerns about proposed changes to terms and conditions that the employer is enforcing, they should contact their regional organiser ([www.unison.org.uk/regions](http://www.unison.org.uk/regions)) and seek legal advice if appropriate.**

### **What if it is a mutually agreed change to the working practice or a request from the employee?**

Even if the change is agreed or requested by the employee, there still needs to be clarity in the contract of employment and homeworking policies as to where the official work-base is.

Is it the employer's workplace or the individual's home? Or is it wherever the individual is working at the time whether that may be the workplace, a work hub, off-site, at home or 'on the road'?

This can have significant impact on mileage and travel policies for some employees, and may also impact on their tax liability.

It could be advisable for workers who have regular or permanent homeworking arrangements to change the work-base on their contract of employment. It may offer the worker more protection in terms of the allowances they are able to claim or for work-related travel expenses to and from their home if this is their stated work-base, as well as accounting for working time when on work-related travel.

Therefore, it's important for members to recognise that any agreement or implementation of homeworking or hybrid working may result in a change to the terms and conditions of the worker's employment contract. This needs to be agreed, clear and confirmed in writing.

Some employers are presenting occasional and hybrid working options without changing the work-base for employees. As shown, this could impact on the worker's expenses and working time. It could also mean that opportunities for homeworking could be more easily refused by the employer as there isn't a contractual right. The control over choice continues to be with the employer.

However, the employer would not be able to enforce homeworking without this change in the contract or an existing 'mobility', 'relocation' or 'flexibility' clause. A mobility clause may allow the employer to change the place of work for their employee (on either a permanent or a temporary basis), including changes that would require the employee to relocate, although the employer would have to use the clause reasonably.

### **UNISON case study**

A community sector employer closed their offices for the period of the pandemic. Approximately half of the workers were office-based, the others working on site predominantly outdoors.

Homeworking was an uncommon working practice prior to the pandemic and the culture of going to the office was strong. Like many organisations, the charity found that it was able to continue to work very effectively during COVID with office-based staff working from home. Seeing this, they proposed the shift to a complete homeworking model, with all offices closed, replaced by a smaller number of flexible working hubs with no-one working regularly or routinely within them, saving the employer considerable costs as well as generating income with the leasing or selling of buildings.

But to do this, they needed to secure individual or collective agreement to a contractual change as most office-based workers had a specified location. There already existed well-functioning arrangements for consultation and negotiation and a generally positive relationship with the employer. The employer hoped for a swift collective agreement in this case.

However, as shown within this guide, whilst homeworking suits many, it can create serious difficulties for others. Whilst many workers had tolerated the difficult circumstances of temporary homeworking during the pandemic, the prospect of a permanent change was far from welcome.

Eventually management and unions agreed on a process of individual interview where individual needs could be identified. As appropriate to the individual, some workers would then be able to have priority to book desk space for at least a portion of the working week. This would be decided by HR rather than individual managers, on the basis of the challenges related to financial, social, accommodation or other significant reasons.

During the process of the one-to-one meetings that were held, nearly all the workers agreed to switch to homeworking (for most, clearly, the benefits outweighed the drawbacks).

Reps did not believe there was any realistic prospect in these particular circumstances of support for further action against the new policy, and as the proposal had changed from compulsory homeworking to a more blended model through negotiation, as well as achieving significant movement on expenses and location payments, the group of reps overseeing the negotiation agreed to the collective contract change.

## → Quick checklist

- Check the contract of employment. Does the contract expressly define the place of work?
- Is there any flexibility or mobility or relocation clause within the contract of employment? And how clear is it?
- Were contracts amended during the pandemic restrictions to specify the place of work being at home?
- Was there an expectation that any changes, such as working from home, were to be temporary or permanent?
- Is there any other written correspondence that shows what was intended and agreed at the time these changes were made? Sometimes changes can be difficult to define where agreement on a particular issue has not been confirmed in writing.

- Are the employers now seeking to vary contracts to make any changes permanent? Negotiating changes to contractual terms is something the employer should approach the union about (where recognised) as well as the affected workers. Any policy to permanently change the work-base should ideally also be explicitly agreed with each individual.
- Do negotiations take account of workers who find homeworking difficult? Or who do not want to return to work in the office full-time for a variety of legitimate reasons as discussed above?
- If agreement is reached following consultation, has the employer confirmed the change in writing within a month?

**If the employer plans to enforce a change to the contract without agreement, reps and branches should contact their regional organiser ([www.unison.org.uk/regions](http://www.unison.org.uk/regions)) and seek legal advice if appropriate.**



## → Key points for making the case to continue or to introduce homeworking options

### **Recruitment and retention**

Employers are more likely to be seen as attractive employers if they offer this type of working arrangement as one of a number of flexible working options. It could help increase the number and diversity of talented candidates to the organisation who need or want to work flexibly.

Current employees, who have benefited from homeworking during the pandemic restrictions with improved physical and mental health and wellbeing and better work/life balance, will want to continue working for the organisation if it continues to offer flexible-working options. Therefore it could increase their engagement and commitment.

A high employee turnover produces disruption to any organisation. Problems associated with replacing key employees include loss of knowledge, expertise and experience from the team; reduction in team output if work has to be reallocated to cover; a negative impact on team morale of employee's departure; and the considerable time, effort and cost of recruiting and training a replacement member of staff.

### **Uncertainty over the future impact of COVID-19**

With new variants emerging and uncertainty as yet about how long vaccines protect individuals, workplaces may once again need to adapt to sudden changes and restrictions in society. Working from home is proven to protect people, so can continue to be an option to make work COVID-secure, and workplaces as safe as possible for those whom it is essential to be there.

### **Possibilities for career development and progression for some**

With the increased flexibility that working from home provides for those with caring responsibilities (who continue to be mostly women), providing this option may offer greater opportunity for women to remain in and progress within their work.

Similarly, working from home is shown to be a practical and easily achieved reasonable adjustment for many disabled workers. Providing this option as an adjustment may offer greater opportunity for disabled people to remain in and progress within their work.

### **Potential cost-savings**

Clearly, where many of their workers are opting to work from home, there may be opportunities to reduce the size of costly office space and overheads for employers. And for employers keen to show they are reducing their carbon footprint,

encouraging their staff to work from home, to 'meet' clients and customers and service users virtually, will help to reduce car use significantly.

Additionally, homeworking has been shown to result in reduced absence levels as employees may be more able to balance work and domestic life conflicts. As a result they may need less time off, reducing both their stress levels and sickness absences.

### **Increased productivity**

Employers have benefitted with many efficiencies created by homeworking during the pandemic restrictions that they may want to continue. Over the past 16 months homeworking arrangements have proven that work productivity need not suffer, in some cases it may even have improved. Survey after survey show that many workers particularly welcome the opportunity to focus without the distractions of the office.

## → Key points for making the case to keep some office working options

### **Impact on the physical and mental health and wellbeing of staff**

Whilst some workers benefited from working from home during lockdown, many others struggled with their working environment, limited equipment and IT, inadequate workstations, the blurred home/work boundaries, fatigue, stress and burnout resulting in poor physical health and deteriorating mental health.

There may be an expectation for staff to work excessively long hours when working from home. For many, it may feel that there is no separation between their work and personal lives. Inevitably that may result in a lack of engagement and commitment to the organisation and their employer.

### **Reduced productivity for some**

Poor physical and mental health and wellbeing will inevitably impact on productivity, as will an inadequate working environment. Sickness absence may increase in the long-term for those affected. Some disabled workers may struggle with a homeworking environment, and find it produces greater barriers to their work. Most people's homes are simply not designed to become a workplace.

### **Loss of staff and reduced morale**

Ultimately valuable staff may feel they are losing out by having to work from home. They may end up having to leave to find truly flexible workplaces that take account of their individual circumstances. Those that remain may have diminished morale, and loyalty and trust in their employer.

### **Negative impact on the organisation's work as a whole**

Managers may find it extremely difficult to create and maintain a team spirit when staff are working in relative isolation from one another. They may also struggle to create a collaborative work environment when employees have different patterns of work or work in different locations. Career development and important aspects of informal learning from colleagues may be restricted under a homeworking arrangement, forcing ambitious, talented staff members to leave in order to find career progression elsewhere.

## More information

### From UNISON:

Homeworking and hybrid working safely

[www.unison.org.uk/content/uploads/2021/12/Homeworking-and-hybrid-working-safely.pdf](http://www.unison.org.uk/content/uploads/2021/12/Homeworking-and-hybrid-working-safely.pdf)

Flexible working: making it work

[www.unison.org.uk/content/uploads/2014/09/On-line-Catalogue225422.pdf](http://www.unison.org.uk/content/uploads/2014/09/On-line-Catalogue225422.pdf)

Bargaining on working hours

[www.unison.org.uk/content/uploads/2021/04/Bargaining-on-working-hours-1121-v2.pdf](http://www.unison.org.uk/content/uploads/2021/04/Bargaining-on-working-hours-1121-v2.pdf)

Bargaining on workload

[www.unison.org.uk/negotiating-workload-agreement-employer/](http://www.unison.org.uk/negotiating-workload-agreement-employer/)

Bargaining on hotdesking policies

[www.unison.org.uk/content/uploads/2019/01/Hot-Desking.pdf](http://www.unison.org.uk/content/uploads/2019/01/Hot-Desking.pdf)

Reasonable adjustments: bargaining guide, model policy and accessibility passport

[www.unison.org.uk/content/uploads/2019/10/25875\\_reasonableadjustments.pdf](http://www.unison.org.uk/content/uploads/2019/10/25875_reasonableadjustments.pdf)

Bargaining on mental health policies: a practical guide for UNISON branches

<https://shop.unison.site/content/uploads/2021/05/26376.pdf>

Health and safety

[www.unison.org.uk/get-help/knowledge/health-and-safety/](http://www.unison.org.uk/get-help/knowledge/health-and-safety/)

Risk assessments

[www.unison.org.uk/get-help/knowledge/health-and-safety/risk-assessment/](http://www.unison.org.uk/get-help/knowledge/health-and-safety/risk-assessment/)

Domestic Violence and abuse: a trade union issue

[www.unison.org.uk/content/uploads/2017/02/24192.pdf](http://www.unison.org.uk/content/uploads/2017/02/24192.pdf)

Bargaining on locational and occupational pay supplements

[www.unison.org.uk/locational-and-occupational-pay-supplements/](http://www.unison.org.uk/locational-and-occupational-pay-supplements/)

Monitoring and surveillance workplace policies

[www.unison.org.uk/monitoring-and-surveillance-at-work/](http://www.unison.org.uk/monitoring-and-surveillance-at-work/)

### From Acas:

Working from home and hybrid working

[www.acas.org.uk/working-from-home-and-hybrid-working](http://www.acas.org.uk/working-from-home-and-hybrid-working)

Changing an employment contract

[www.acas.org.uk/changing-an-employment-contract](http://www.acas.org.uk/changing-an-employment-contract)

Policies for home and hybrid working

[www.acas.org.uk/policies-for-home-and-hybrid-working](http://www.acas.org.uk/policies-for-home-and-hybrid-working)

**From CIPD (Chartered Institute of Personnel and Development):**

Effective hybrid working

[www.cipd.co.uk/knowledge/fundamentals/relations/flexible-working/effective-hybrid-working](http://www.cipd.co.uk/knowledge/fundamentals/relations/flexible-working/effective-hybrid-working)

**From the Health and Safety Executive:**

Protect homeworkers

[www.hse.gov.uk/toolbox/workers/home.htm](http://www.hse.gov.uk/toolbox/workers/home.htm)

Display screen equipment (DSE) workstation checklist

[www.hse.gov.uk/pubns/ck1.pdf](http://www.hse.gov.uk/pubns/ck1.pdf)

Working safely with display screen equipment

[www.hse.gov.uk/msd/dse/work-routine.htm](http://www.hse.gov.uk/msd/dse/work-routine.htm)

Stress and mental health at work

[www.hse.gov.uk/stress/](http://www.hse.gov.uk/stress/)

**From HMRC:**

Expenses and benefits: homeworking

[www.gov.uk/expenses-and-benefits-homeworking](http://www.gov.uk/expenses-and-benefits-homeworking)

Claim tax relief for your job expenses

[www.gov.uk/tax-relief-for-employees/working-at-home](http://www.gov.uk/tax-relief-for-employees/working-at-home)

Homeworking arrangements

[www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim01472](http://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim01472)

**From Labour Research Department (LRD):**

Negotiating the new homeworking landscape - a guide for union reps

[www.lrdpublications.org.uk/publications.php?pub=BK&iss=2068](http://www.lrdpublications.org.uk/publications.php?pub=BK&iss=2068)

**From the Information Commissioner's Office (ICO)**

Data protection and working from home

<https://ico.org.uk/for-organisations/working-from-home/>

## → Quick checklist for developing a homeworking policy

- What is the employer's rationale for introducing a homeworking or hybrid working policy? Can they justify it? Will it contribute to retention, recruitment and staff morale? Has the policy been equality impact assessed?
- Will the employer approach homeworking or hybrid working as part of the options available from their voluntary flexible working practice? Or are they planning on imposing a way of working on staff? Have any experiences and difficulties been drawn to the attention of employers? Does the employer acknowledge the difficulties as well as the benefits for some?
- Will any introduction of a homeworking or hybrid working policy address the difficulties and challenges experienced by some workers if forced to work from home? Are options to work from an office remain for those who need or choose to?
- Are all staff covered by the policy regardless of length of service? How are new members of staff to be notified about the policy? Will job applicants be aware of homeworking opportunities for specific roles?
- How are the flexible working needs to be accommodated for staff whose job roles mean they cannot work from home?
- Does the employer provide clear definitions of homeworking or hybrid working within the policy? Often employers like to call such working practices by a different name, but everyone needs to be clear about what is covered.
- Does a particular homeworking option require a change in an individual's employment contract? Or does the employment contract include a valid mobility, relocation or flexibility clause that allows some homeworking already?
- If the employer is wanting to negotiate a collective agreement covering the place of work in the employment contract, will the change properly reflect the wishes and needs of all staff? Ideally individual agreement should be reached after proper consultation should changes be necessary.
- If the employer wants to retain the right to call the worker into the office at any point, ensure that this will be for a valid business reason, and that they will provide reasonable notice. It will be important for there to remain opportunities for all workers to physically come together to help ensure collaborative working, supportive teams and opportunities for informal learning from colleagues, as long as there is reasonable notice.
- If approached as a flexible working option, is there a clear procedure to apply for homeworking or hybrid working? Is there a right of appeal against decisions

made? Does the employer have reasonable business-related reasons for any refusals?

- Is the trade union involved in deciding on criteria used for assessing whether a job role is suitable for homeworking or not? Are criteria clear, transparent and non-discriminatory?
- Is there an opportunity for a trial period for any new working arrangement, and if so, how is it reviewed?
- How can a working from home agreement be ended by either the employer or the worker – what are the circumstances and what notice is necessary?
- The new working arrangement must be clear about what hours the worker should be available, whether there are any core hours or greater flexibility, and confirming that the worker has a right to ‘switch off’ outside these working hours.
- The working arrangement should also be clear about any monitoring of the worker whilst working from home, why the monitoring needs to take place and how it operates consistently when someone is in the workplace or working from home. The workplace reps or branch officers should be consulted about any monitoring that is to take place.
- Will the new working arrangement with individuals be regularly reviewed?
- Are there systems to deal with communications with line managers, colleagues, customers/clients/service users whilst the worker is working from home?
- Does the policy refer to the health and safety policy and highlight the duty of care that the employer has for homeworkers? Does it include the consideration of work-related stress? Will electrical equipment loaned to the home worker be regularly checked? Are workers specifically told that they should not hold meetings with clients/customers/service users at home and that meetings with colleagues at home should take place for specific limited purposes?
- Does it outline how homeworking risk assessments will take place and the responsibilities of the worker and of the line manager in relation to health and safety? Does it confirm that individual risk assessments will be undertaken for pregnant homeworkers and for disabled homeworkers?
- Will workers get appropriate training so that they can properly use any risk assessment checklists?
- It's important to clarify with employers how they will support staff to help ensure their home is a safe, secure place of work, taking into account ergonomics and reasonable adjustments necessary for disabled workers. Additionally, the employer has to ensure the workload remains at safe levels and that workers are not put under unreasonable stress.

- You may want to agree with the employer the basic equipment and furniture that will be available and provided to homeworkers. Dependent on workers and the extent of homeworking they will be doing, and the type of work they will be undertaking, it may be necessary to try and negotiate the provision of internet access and a dedicated work phone line. The key thing is that workers should not be out of pocket nor have to use personal equipment if they are regularly working from home.
- Does the employer make it clear within their policy that they will provide reasonable adjustments for disabled workers? That homeworking in itself may be a reasonable adjustment for some disabled workers? However, employers must continue to provide appropriate reasonable adjustments for all disabled staff still working in the workplace.
- Does the homeworking policy offer a homeworking allowance to cover the additional utility cost to homeworkers? If the employer will not agree to an allowance, will they clarify what expenses they will reimburse so that homeworkers are not financially disadvantaged? In particular, there may need to be careful negotiations over travel expenses allowed for homeworkers whether hybrid or full-time.
- It is useful to highlight some of the key responsibilities of both the line manager and the worker under a homeworking arrangement. It is important for line managers to take account of communications with homeworkers, to ensure that teams can continue to function well and collaboratively, and that new starters are appropriately supported.
- Sickness absence policies should not be different for homeworkers.
- Data protection and security issues will need careful attention from the employer. Have they undertaken a data protection impact assessment? Are workers and their line managers aware of what they need to do to fully comply with any existing data protection policy whilst working from home?
- The homeworking or hybrid working policy should be regularly reviewed.



## Model agreement

This model policy/agreement is not meant to replace any national public sector agreements on homeworking; it aims to build on national agreements to reflect local circumstances and needs.

UNISON's position remains that homeworking should be a flexible working option of choice for individual workers, particularly as it presents many difficulties and challenges for some workers, whilst recognising there are considerable benefits for many others.

This policy can be used in the workplace to help support workers who choose to work from home as part of a flexible working option. It could be adapted to be used where a workforce-wide approach to homeworking has been introduced, or aspects used to help update an existing homeworking policy or flexible working policy.

Please note that the text in square brackets [...] indicates where branches and workplace reps need to complete information specific to their workplace, or else are notes for them to consider in relation to their negotiations.

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### Policy statement

**[It may be reassuring to start with an agreed statement that reflects the need for flexibility, trust and co-operation from both the employer and employee under homeworking arrangements.]**

**It also puts homeworking in the context of one option for flexible working, and recognises the benefits and challenges.]**

**[Name of employer]** is determined to provide flexible working arrangements for all staff who request it, wherever possible and where implementation will be reasonable and feasible for both the employer and worker.

This homeworking policy will operate in line with **[name of employer]'s** Flexible Working policy found at **[include a link to the policy]**. Homeworkers are also able to apply for other forms of flexible working as defined in the Flexible Working policy.

Not all jobs or all duties within jobs may be suitable for homeworking, such as those that provide a direct service to the public at a fixed location.

Not all staff may find homeworking suitable for them and staff who prefer to work from the office full-time, for whatever reason, may continue to do so.

**[This is clearly a key aspect of negotiations, to consider what happens to those staff members that cannot or are unable to work from home, or for where it creates too many problems for them. There need to be options. But,**

**whilst exploring these options, employers should not be able to evade their responsibilities, for example their duty to provide reasonable adjustments for disabled workers, whether that is at home or at work.]**

However, all staff are encouraged to consider the variety of flexible working options available to them within the Flexible Working policy.

**[If the employer is imposing homeworking or hybrid working on their workers, these paragraphs should be removed. However, for the policy to be successful, the employer should at least highlight their rationale for introducing this working arrangement across the workforce so that workers can understand the need for it.**

**It will also be even more essential that the challenges are recognised and addressed by the employer in such a situation, for the policy to work for all roles and all workers.]**

**[Name of employer]** recognises the need for mutual trust between staff and employer, and a flexible, practical and sensitive approach to homeworking arrangements.

**[Name of employer]** recognises the benefits of a homeworking option within flexible working arrangements for some workers and will highlight them to staff. These benefits may include:

- improved work/life balance
- improved productivity and focus
- reduced travel problems and environmental impact
- as a reasonable adjustment for disabled workers.

**[Name of employer]** recognises the challenges of homeworking arrangements for some workers and will act to address them. Challenges may include:

- poor work/life balance and impact on mental health
- reduced social connections and isolation
- reduced productivity
- risks to health, safety and wellbeing.

## **Definitions and scope**

This policy applies to all staff who are employed at **[name of employer]** including part-time and temporary workers, regardless of hours worked or length of service, as long as their role has at least some activities that lend themselves to being carried out from home.

**[Are there any eligibility criteria for workers to benefit from the policy or is it open to all workers? Ideally, it should be open to all.]**

All new members of staff will be made aware of this policy and how it operates as part of their induction. If a particular post is considered as suitable for a regular or permanent homeworking post, job applicants should be made aware of this option through any recruitment material.

**[Name of employer]** will ensure that homeworking arrangements do not have an adverse effect on any particular group of employees nor that a refusal to agree homeworking arrangements disadvantage any particular group.

Homeworking is when staff are working based at home rather than at the normal place of work.

**[Whilst much of the media attention has been on hybrid working, a variety of options could be considered within negotiations, such as:]**

### **Occasional (ad-hoc) working from home**

This means taking work home on an ad-hoc basis. This might be:

- because the worker has a specific task they need to concentrate on without the normal interruptions of an office environment
- because it is ill advised or difficult for an employee to get into work because of circumstances beyond their control (such as adverse weather conditions)
- following maternity leave or following sickness absence where homeworking is recommended as part of a phased return
- as a temporary arrangement due to family commitments or domestic circumstances
- as a temporary reasonable adjustment for disabled workers whilst permanent adjustments (which may include permanent / regular homeworking) are being put in place.

This list is not exhaustive.

However, it should be noted that homeworking is not a substitute for paid childcare or care of a dependant, unless in exceptional circumstances in which case employees should discuss their situation with their manager. In most situations, workers should refer to **[name of employer]'s** policy on Time Off for Dependants, or the Carer's Leave Policy or the Parental Leave Policy as appropriate and these are available at **[include links to where the policies can be viewed.]**

**[Whilst any employer who agrees to flexibly accommodate workers who are working at home whilst also caring for others is welcomed, other workers who may have to continue to work in their normal workplace should similarly be**

treated sensitively and flexibly in relation to caring responsibilities or other domestic emergencies.]

### **Regular homeworking**

This is when a worker spends 50% or more of their contracted hours working from home.

[A key issue with regular homeworking is whether the official workplace will remain the office, or whether this will require a change in the individual's employment contract to state that it includes the home. Where the employer requires employees to work remotely under a new regular homeworking or hybrid working policy (rather than making it optional), it is likely that an amendment to the contract will be needed, unless the contract already includes sufficient flexibility, for example under a mobility or relocation clause.

Also, the employer may want to clarify if they are to stipulate a certain number of days or hours for working in the office each week, or if it is to be flexibly agreed between the worker and their manager.

Whatever is carried out in practice must reflect what is covered in the contract of employment. For example, it would not be appropriate for a worker to be called a regular home worker but never come into the office in practice.

Some regular homeworkers may have more protections if they have a contract varied to state that their home is their work base or a combination of both the office and their home as their bases. Without this, the employer retains the option to change the working arrangements at a later date without the employee's agreement.

If the employer does want to retain the right to ask employees to come into the office on particular days or on a continuous basis where this is necessary to meet the needs of the business or role, make sure they agree to provide the worker with reasonable notice.

If a change to the contract terms and conditions are required, it is important that there are individual meetings with staff to discuss the proposed changes, and that individuals agree to the change. Any agreed change should be confirmed in writing. Employers will also need to consider how they plan to respond fairly to those staff members who do not want to work from home perhaps due to many different valid reasons.]

### **Permanent homeworking**

This is when an employee will spend all of their contracted hours either working at home or visiting sites from their home base.

[The home should be shown as the worker's contracted work base, and it is key that reps ensure this is confirmed in writing as a variation to the employee's contract of employment if not reflected in the existing contract.]

**Permanent / regular homeworking** is an agreement between [name of employer] and the worker to work the working week from home, or a combination of homeworking and attendance at [name of employer]'s workplace, on a regular and on-going basis.

[It's important that the policy is clear as to what is meant by homeworking. Some employers may want to call it hybrid working, remote working, agile working, smart working, mobile working, teleworking etc, terms that may mean different things to different people, so it's important to be clear.

For example, the CIPD (Chartered Institute of Personnel and Development) describes agile working in the following way: "Agile working is a term used to describe employees conducting their usual job role from varied locations which can include but are not limited to the usual place of work."

If the employer is considering allowing remote working or agile working, it should be suitably clarified, such as: Homeworking may include any remote working away from the [name of employer]'s workplace and so may take place at another address other than the worker's home address, such as at a local co-working space or at a regional site or whilst travelling. However, employers may want to specify that remote working whilst abroad is not included, as there may be knock-on issues of tax, data protection etc.]

All forms of homeworking mean that workers are subject to the same rules, procedures and expected standard of conduct and performance as when they are working in their normal workplace. Contractual obligations, duties and responsibilities remain in place, as do [name of employer]'s workplace policies.

[An important benefit of homeworking during the COVID-19 pandemic was shown to be the flexibility in being able to organise the working day, which allowed it to be balanced with other demands such as caring responsibilities. For homeworking to be truly flexible, it may be important to recognise that staff should be able to access flexibility both in working time as well as their working location — and not simply to work their usual office hours from an alternative location. Ideally, a flexi-hours arrangement will be part and parcel of a homeworking arrangement.]

All staff, irrespective of their homeworking category, may be required to attend [name of employer]'s workplace for specific activities as defined by their line manager with reasonable notice. These may include, for example, team meetings, committee meetings, training events, performance management discussions, collaborative or creative working, induction meetings, and other specific work-related events [amend as appropriate].

[In order to help ensure a collaborative workplace, with supportive team-working and opportunities for informal learning from colleagues, it is inevitable that there will need to be some opportunities for workers to physically come together. It will be very important for homeworkers to be given sufficient notice of such events.]

This policy is supported by and developed with the trade unions representing the employees.

## Procedure for requesting homeworking

The procedure for requesting homeworking is in line with [name of employer]'s Flexible Working policy found at [include a link to the policy].

[Remove this if not applicable, although ideally this will be why homeworking arrangements are being introduced.]

Workers who wish to apply for homeworking, either permanently, regularly or on an occasional/ad hoc basis, should make their request to their line manager.

Requests will be reviewed on their own merit taking into account the individual's circumstances and the needs of the business, and all posts will be subject to homeworking criteria to make sure the post suits homeworking.

Approval must be sought from the line manager before an employee works from home on an **occasional or ad hoc basis**. Occasional or ad-hoc homeworking will be treated as a temporary variation from existing terms and will not make a permanent contractual change to the worker's contract terms and conditions.

For those workers wishing to **permanently and/or regularly work from home** either for a full or part working week, they should first discuss their application with their line manager, considering:

- when it is hoped the arrangements will start
- the proposed number of days to work from home - the whole working week, or only certain days
- proposed hours of work [and opportunity for flexi-hours if available]
- the proposed organisation of the homeworking environment – workstation, equipment required, security arrangements, materials/documentation, reasonable adjustments required if a disabled worker
- extent of availability to attend the workplace, for meetings, cover colleague absences etc
- how the worker proposes that contact will be maintained with their line manager
- how they will adapt to the different working practices involved.

The worker should then submit a written application to their line manager using the flexible working request form **[or amend as appropriate]** found in the Flexible Working policy **[include a link to the policy]**, setting out all these details for the homeworking arrangements.

The line manager should aim to respond to formal applications for homeworking within **[insert time period, ideally 48 hours as shown in a CIPD example, but it certainly should be no longer than 28 days]** of the application being received.

Line managers may need to meet with the employee again to discuss the issues arising from the application **[and you could add: within this time period. It is particularly important to include this if the initial response period is quite long. Otherwise the procedure may be delayed unnecessarily].**

If the line manager accepts the worker's permanent / regular homeworking application, written confirmation will be provided.

A trial period should be agreed. The aim of the trial period is for both the worker and **[name of employer]** to evaluate whether the new homeworking arrangements operate as expected.

**[A period of 3 months may be adequate for the trial but may depend on individual circumstances.]**

At the end of the trial period, an evaluation meeting will take place between the worker and the line manager, to consider if the arrangement has been successful or not, if there is a need to extend the trial period, and if adjustments or amendments to the arrangement are needed. The line manager will then confirm if the arrangement may continue.

Workers who wish to apply for regular or permanent homeworking should be aware that any arrangement agreed will constitute a contractual change to their terms and conditions.

If the line manager is unable to accept the worker's application or to confirm the homeworking arrangement after a trial period, a clear business reason for the rejection will be provided to the worker in writing and sent to the employee within 5 working days. Any such reason must also comply with the Equality Act 2010<sup>10</sup>.

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<sup>10</sup> In Northern Ireland the relevant legislation includes: the Disability Discrimination Act (DDA) 1995 and subsequent amendments and supplementary laws, Employment Equality (Age) Regulations (NI) 2006 and subsequent amendments, Equal Pay Act (NI) 1970, Sex Discrimination (NI) Order 1976 and subsequent amendments, Maternity and Parental Leave etc. Regulations (NI) 1999, Race Relations



Workers have a right to appeal any decision not to allow them to work from home or to continue to work from home after the trial period. This appeal should be made in writing within **[insert time period e.g. 10 working days]**. The appeal will be heard by another manager (independent from the case). The worker has the right to be accompanied by their trade union representative or full time official to the appeal meeting.

**[Branches and workplace reps should aim to work with the employer to assess what posts are suitable for homeworking and what posts are absolutely not possible.**

**Cost implications should not be the top priority for the employer when refusing homeworking. However, it may be important for workers to show in the applications that it is cost-effective and will not mean any significant increase in workload on colleagues.**

**The reasons used for refusing homeworking should be in line with the organisation's flexible working policy and be sound business reasons.**

**The procedure should include an appeals procedure for workers to use if they feel their post has been judged incorrectly, in line with flexible working requests.]**

On successful completion of a trial period, a homeworking agreement will be issued for the employee to sign and return.

The homeworking agreement will clearly state the details of the homeworking arrangement including:

- whether the worker is expected to be available and contactable during any core hours
- how the worker should communicate when they are not available and contactable to colleagues and customers/clients/service users (e.g. voicemail message, out-of-office automated email)
- whether there are any other flexible working arrangements

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(NI) Order 1997 and subsequent amendment, Fair Employment & Treatment (NI) Order 1998 and subsequent supplementary laws, Employment Equality (Sexual Orientation) Regulations (NI) 2003, Equality Act (Sexual Orientation) Regulations (NI) 2006 and subsequent amendments, and under Section 75, 76 and Schedule 9 of the Northern Ireland Act 1998.



- whether the worker is expected to attend meetings and other office-based events
- when regular reviews of the homeworking arrangement will take place to ensure the arrangement is still working or whether it needs to be changed
- in what circumstances the homeworking agreement can be ended by the employer and the worker, and any amount of notice to be given
- confirmation that the home worker has a right to 'switch off' outside of working hours, and to separate their working and home lives
- confirmation that the home worker is required to comply with other workplace policies.

It is essential that good communication is maintained at all times between the home worker and their line manager. The line manager and worker should plan and agree how they will communicate effectively with each other. These arrangements should be agreed and regularly reviewed.

**[The issue of communication is also very important for UNISON branches. They will need to look at how to best stay in touch with members who work at home whilst still involving them with any branch campaigns etc]**

Homeworking does not mean that you can change your other contractual obligations, including your core working hours or working days within the week unless it has been agreed with your line manager. **[This is an area that individuals may want to negotiate as part of their flexible working request, that their hours can be flexible too. If homeworking, hybrid working or remote working is more widespread within an organisation, changes to core working hours may need to be collectively negotiated as part of a wider work/life balance strategy.]**

However **[name of employer]** does recognise that there may be particular exceptional circumstances that may necessitate a temporary change to contractual obligations, including changes to your core working hours and line managers are expected to deal flexibly and sensitively to any such requests and respond promptly.

Agreed homeworking arrangements can be withdrawn if it is demonstrated that it has not been possible for an individual worker to provide a safe, secure place of work in spite of support and guidance.

Homeworking arrangements can also be withdrawn if it is demonstrated that the performance of a worker suffers significantly as a result of homeworking. This will be dealt with under the **[name of employer]'s** Capability Procedure available at **[include a link to where the policy can be viewed.]**

The worker has the right to be accompanied by their trade union representative or full time official to any meetings to discuss any changes to homeworking arrangements or performance management.

## Health and safety

[The Health and Safety at Work Act 1974<sup>11</sup> states that an employer shall ensure, so far as it is reasonably practical, the health, safety and welfare at work of all employees – this also extends to homeworkers.

As the control that can be exercised over a member of staff working from home is limited, the main responsibility will be with the home worker under Section 3 (2) of the Act, which places the obligations on homeworkers themselves to ensure that they and other persons, including members of the household (as well as the public) are not endangered by work activities undertaken at home.]

[Name of employer] will set up and maintain safe and appropriate systems for homeworking. The Health and Safety Policy includes those who are homeworking and is available at [include a link to where the policy can be viewed.]

Workers are expected to take personal responsibility for their health, safety and wellbeing whilst working from home. This includes:

- Completing a health and safety risk assessment checklist for the homeworking environment [or proposed working environments if the arrangement is for agile working – amend as appropriate] with the support and guidance of the Health and Safety Officer [amend as appropriate] to assess any potential risks and how best to reduce or remove the risks.
- If the home worker is using a computer for a significant part of their duties whilst working at home, a Display Screen Equipment (DSE) assessment must be undertaken by the worker and passed onto the line manager. The assessment will also include consideration of work-related stress.

[The Health and Safety Executive have a Display screen equipment (DSE) workstation checklist [www.hse.gov.uk/pubns/ck1.pdf](http://www.hse.gov.uk/pubns/ck1.pdf) that could be used.]

- Raising any health, safety and/or wellbeing issues with their line manager at the earliest opportunity.
- Looking after their wellbeing whilst working remotely e.g. keeping hydrated, taking regular breaks from the computer screen, taking a break during the day and switching off at the end of the working day.

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<sup>11</sup> Health and Safety at Work (Northern Ireland) Order 1978

- Reporting any accidents or incidents in line with **[name of employer]'s** Health and Safety policy found at **[include a link to the policy]**.

The risk assessment will be recorded and reviewed on a regular basis, usually annually or after any significant change of situation, depending on the resultant risk. Further details can be found in the Health and Safety policy **[include a link to the policy]**.

If there are any health and safety concerns that cannot be addressed or extra support is needed the **[name of employer]'s** Health and Safety Officer **[or amend as appropriate]** may need to visit the worker's home to carry out a further risk assessment. A minimum of 4 weeks' **[or amend as appropriate]** notice will be given in writing before a home visit takes place.

A worker can request that a UNISON Health and Safety representative accompany the Health and Safety officer if they are conducting a risk assessment of the home-based workstation.

**[Name of employer]** has a legal requirement to consult with trade union safety representatives on risk assessments and mechanisms in place to protect the health and safety of homeworkers.

Line managers are responsible for ensuring that all workers have participated in appropriate health and safety training and have completed the risk assessment checklists. Line managers must respond promptly to any issues arising from the assessment in order to reduce or remove risk including from work-related stress, and proactively manage any wellbeing issues that arise including from workload, communications, support with IT difficulties etc.

A specific risk assessment will be undertaken for homeworkers who are pregnant, so they should notify their line manager of their pregnancy as soon as possible. Further details can be found in the maternity policy **[include a link to the policy]**.

A specific risk assessment will be undertaken for disabled homeworkers to identify and implement any reasonable adjustments necessary that will assist them in carrying out their role.

All electrical equipment loaned to the home worker will be regularly checked for safety. Homeworkers will be responsible for the safety of electrical sockets and wiring in their home and for any other electrical equipment used by them in their work activities.

Meetings with service users and employees of other agencies must not be held at home for reasons of personal security nor should workers release personal data or information, such as home address or personal telephone number.

Meetings at home with work colleagues should be avoided unless absolutely essential, such as for the pre-arranged repair or maintenance of equipment loaned

by **[name of employer]** or for a health and safety risk assessment carried out by the health and safety officer. They must be approved in advance by the relevant line manager.

If any worker has a health and safety concern, or if an accident or incident takes place whilst homeworking, they must immediately report this to **[contact's name]** in line with the Health and Safety policy found at **[include a link to the policy]**.

Additional guidance on how to work safely at home will be provided by **[contact's name]**.

**[Name of employer]**'s existing insurance policies (both public and employer's liability) will continue to operate and cover homeworkers.

## **IT and equipment**

Equipment required to enable the worker to work effectively at home will be provided by **[name of employer]** and may include (but not be limited to):

- laptop or computer
- headset
- printer
- mobile phone
- lockable filing cupboard
- adjustable chair
- desk
- items of stationery.

**[Amend and add to as appropriate. Whilst some employers, particularly those offering only hybrid or ad hoc homeworking may refuse to provide suitable furniture for the home workstation, homeworking during lockdown may have already highlighted the health and safety risks this may lead to, with an increase in musculoskeletal problems for workers forced to improvise.]**

Line managers must formally authorise and accurately record equipment to be used by workers and ensure they are provided with adequate technical support and are compliant with legal and regulatory requirements (e.g. health and safety laws and data privacy regulations).

This equipment will remain the property of **[name of employer]** and will be installed, updated, maintained, repaired and replaced at **[name of employer]**'s cost. This may involve attendance at the worker's home by **[name of employer]**'s IT officer or other appropriate officer **[amend as appropriate]**. **[Name of employer]** will give the worker reasonable notice of the need for this visit.

**[Name of employer]** is not responsible for the maintenance, replacement, or repair of any personal equipment that is used. When using a home telephone for official work purposes a detailed record of official calls should be kept for reimbursement purposes.

Only equipment that a worker's line manager has authorised may be used for homeworking.

**[For regular and permanent homeworkers, it may be appropriate to try to negotiate the installation of a business telephone line at their home. You could add the following paragraph: "Following a trial period, if it has been agreed that you can work more than 50% of your time at home, [name of employer] will install a dedicated work phone line connection at [name of employer]'s expense. This will be for work use only. This may be less relevant if the worker is provided with a work mobile phone. However, it should be remembered that sometimes mobile phone signals within home settings can be poor, making a landline essential.]**

If you already have broadband in your home, **[name of employer]** expects you to use this where necessary, the cost of which is covered by the homeworking allowance **[if such an allowance is agreed]**. If you do not have broadband, this will be provided and paid for by the employer.

In addition, **[name of employer]** will provide homeworkers with a mobile phone and where appropriate, other mobile IT devices necessary for you to carry out your tasks.

**[The details of what is provided by the employer will need to be negotiated and may vary as appropriate. The key thing is that workers should not be out of pocket nor have to use personal equipment if they are regularly working from home. For tax and national insurance purposes, it is easier for both the employer and the employee if the employer provides and pays for equipment on loan to the worker.]**

All IT equipment, internet facilities, mobile phone **[and dedicated work telephone line if appropriate]** provided by the employer must be used in line with the IT, Email and Telephone Acceptable Use Policy **[or equivalent]** found at **[include a link to the policy]**.

## **Reasonable adjustments for disabled workers**

**[Name of employer]** recognises that disabled people face discrimination and disadvantage in the workplace and society. The skills and experience of disabled workers are highly valued. **[Name of employer]** is committed to the social model of disability and to supporting disabled employees by removing access barriers, tackling discrimination that they face, and implementing best employment practice including when they are working from home.

In accordance with the Equality Act 2010<sup>12</sup> [name of employer] will not discriminate against disabled workers but will consider and accommodate all reasonable adjustment needs within a reasonable timeframe, whether these are required for a home work-base or at the office.

[Name of employer] believes that accessibility passports offer a way of ensuring staff can maintain their adjustments when their manager changes or when they move roles within the organisation or change their work-base, reducing time spent on re-negotiating already agreed adjustments.

Line managers are responsible for the prompt implementation of reasonable adjustments for disabled workers whether working from home or within the office.

Line managers (with the support of HR and Health and Safety where requested) should discuss support options available for disabled workers who request practical assistance in setting up homeworking arrangements.

The Reasonable Adjustments Policy provides further information about accessibility passports and reasonable adjustments, and is available at [include a link to where the policy can be viewed.]

## Other support for when homeworking

[Name of employer] recognises that homeworking may lead to some workers feeling isolated or have a negative impact on their mental health. If any worker at any point feels anxious, isolated, left out, lacking guidance or support due to homeworking, they should discuss this with their line manager and/or a member of HR [amend as appropriate].

**This paragraph is particularly important where homeworking or hybrid working has been imposed on staff by the employer.**

**The policy could also list other services that can be offered to workers to help support them such as access to free counselling services or a confidential helpline that staff can call to get advice.]**

Confidential support is available for individual employees from the **employee assistance programme** and this may include counselling if appropriate, in addition to practical information and advice. [Include a link or signpost to further

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<sup>12</sup> The Disability Discrimination Act (DDA) 1995 and subsequent amendments and supplementary laws in Northern Ireland.



information.]

[Name of employer] recognises that some workers will be experiencing domestic abuse and that any work base, including the home if used for work, should be a place of safety. Through the Domestic Abuse Policy and through working to reduce the risks related to domestic abuse, [name of employer] aims to create a safer workplace including for homeworkers, and to send out a strong message that domestic abuse is unacceptable.

Workers who disclose that they are experiencing abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission. Line managers should address the issue positively and sympathetically ensuring that the worker is aware that support and assistance can be provided. Further details can be found in the Domestic Abuse Policy, available at [include a link to where the policy can be viewed.]

Homeworkers are reminded that if they are concerned for their own or someone else's immediate safety, they should ring the police on 999. If they or a friend needs help, they can call 0808 2000 247 the freephone 24-hour National Domestic Abuse Helpline [www.nationaldahelpline.org.uk](http://www.nationaldahelpline.org.uk)

## Homeworking allowance [or expenses]

[Name of employer] will pay a homeworking allowance of [state amount, pro rata for part-time workers] each .... period [state period e.g. four-week] as a contribution to additional costs incurred whilst working from home to anyone who is solely and permanently a home worker, provided the expenses incurred are solely work-related. Those who are on a trial basis and those who are regular homeworkers [i.e. hybrid workers] will be paid the allowance on a pro rata basis. No allowance is paid to anyone who works occasionally at home on an ad hoc basis.

[Whilst a homeworking allowance is likely to be a taxable benefit for homeworkers, unless there is a reason that the worker *has to work from home* (such as the government's instruction during the pandemic or it is enforced by the employer), it is clear there are additional costs to homeworkers. Further details from the government at [www.gov.uk/expenses-and-benefits-homeworking](http://www.gov.uk/expenses-and-benefits-homeworking)

Homeworking allowances may particularly need careful negotiation, although more employers do now recognise the need to compensate homeworkers for this additional expense. Apportioning utility and broadband costs can be very difficult to work out fairly for individuals, so a homeworking allowance is an easier way of providing compensation.

For example, the Care Inspectorate in Scotland distinguishes between those who are contractually homeworkers and those who occasionally work from home on an ad hoc basis. Contractual homeworkers receive an annual

homeworking allowance towards heating and electricity costs, as well as £16 monthly contribution (taxable allowance) towards the cost of the individual's personal broadband.

Some councils too provide their homeworking employees with a homeworking allowance such as Kirklees (currently £13 per 4 weeks but not reviewed for many years) and Wirral Borough Council (currently £27 per month). The MS Society pays an allowance of £15 a month towards Broadband costs for permanent homeworking staff. Ideally the amount allocated as a homeworking allowance towards utility costs should be regularly reviewed to take account of inflation and other increases.]

[Name of employer] will reimburse workers for any other agreed additional expenditure incurred due to homeworking, including for any reasonable [complete as appropriate e.g. postage, photocopying, printing, stationery] costs. Proof of purchase (such as a receipt, email confirmation, scanned or photographed copy) should be kept and included with any expenses claim.

[You may want to include further details of how to claim these expenses, what form to use, where to send them, how frequently etc.]

Travel expenses for regular and occasional homeworkers will be paid as for staff based in [name of employer]'s workplace. Workers will be able to claim travel expenses to work-related appointments from wherever they are working on that day. For further details, please refer to the Staff Travel Policy [or equivalent] found at [include a link to the policy].

[Whilst it is clearly fair to reimburse the cost of travel to work appointments that are not part of a normal commute, if employers are reluctant to reimburse business travel from home for hybrid or ad hoc homeworkers, a compromise may be to exclude the first journey of the day as in: "except if the journey from home to the work appointment is the first journey of the day and is closer to the individual's home than [name of employer]'s workplace, when no expenses will be due or if the journey from home to the work appointment is the first journey of the day and is further away from the individual's home than [name of employer]'s workplace, when the difference in costs/mileage expenses will be due."]

All business travel for permanent full-time homeworkers will be reimbursed including journeys to and from [name of employer]'s workplace.

[Travel expenses and allowances may also be an area that needs considerable careful negotiation so that homeworkers are not disadvantaged. The above is one suggested scenario.

It is highly likely that hybrid workers regardless of how frequently they work from home, will be expected to meet the cost of travelling from their home to their employer's workplace.



**However, permanent homeworkers, whose contracts of employment have been varied to change their work-base to their home address, should ideally be able to claim all business travel including if they have to go into the employer's workplace on occasion. However, HMRC may want evidence that the worker cannot carry out their normal work at the employer's workplace and has to work from home, in order for them to consider the travel to the employer's workplace eligible for tax relief, and not considered part of a normal commute.]**

## **Responsibilities of managers**

Line managers should ensure that all workers are aware of this policy and understand their own and the employer's responsibilities.

Line managers will consider all requests for support for homeworking practically, flexibly and sensitively. All workers must be treated fairly and consistently. However, when considering whether regular or permanent homeworking can be agreed, line managers will also take into account the overall team requirements.

Line managers are instructed to allow homeworking wherever possible and should encourage staff to access the support offered.

Additional guidance for line managers on how to respond to requests for homeworking can be obtained from the HR team **[or amend as appropriate. Ideally the trade union will be involved in agreeing this guidance.]**

As preparation for any homeworking agreement, the line manager must ensure that the home worker has received training or guidance on:

- health and safety awareness including Display Screen Equipment assessments
- first aid, fire safety and accident reporting
- employer support on work-related stress
- appropriate IT skills and support available
- communications and time management skills
- data protection security issues
- lone working.

In addition to the details listed in the homeworking agreement, line managers should confirm in writing the following details with homeworkers:

- how they will keep in touch
- how the team will keep in touch to discuss work issues and provide mutual support including the use of using video conferencing and other tools

- how the workplace is to be used e.g. for team meetings etc
- if the home worker is a new starter, any additional support they will receive during their initial weeks such as **[outline any new starter support available such as mentoring or buddying schemes]** in line with the Induction policy **[amend as appropriate to your workplace]** found at **[include a link to the policy]**
- measures in place to support their mental health, how work-life balance will be managed, for example taking regular breaks and switching off from work at the end of the day
- rules around storing information and data protection
- how performance will be managed and assessed in line with the Performance Management policy **[amend as appropriate to your workplace]** found at **[include a link to the policy]**
- how the homeworkers will have access to learning and development and career development opportunities, and team events
- how to use the health and safety checklist to help homeworkers assess their own home working environment and identify problems
- who the homeworkers should contact if they have any problems or their circumstances change.

If the home worker reports any work-related health and safety hazards whilst working from home, including ergonomic issues with their home workstation, concerns about workload, the homeworking environment etc., or any work-related accidents that have occurred in their home, the line manager must promptly inform ... **[complete as appropriate, such as the Health and Safety or HR officer]** to look into what action can be taken.

Line managers will treat the personal contact information provided by homeworkers confidentially and in line with the Data Protection Policy found at **[include a link to the policy or include here a statement on the storage, use and security of confidential data held at home]**.

The role of the line manager is that of facilitator and motivator providing members of their team support through regular contact. Line managers should recognise that homeworkers cannot be micro-managed and need to feel trusted and supported to carry out their role.

All managers have a responsibility to create a work environment in which bullying or harassing behaviour is unacceptable and are reminded that the Dignity at Work policy **[or refer to the particular anti-harassment and anti-bullying policy at your workplace]** applies to all workers on and off the premises, including those working at home. Line managers have a particular responsibility to ensure that within their

area of control, everyone has the right to be treated with dignity and respect.

**[Name of employer]** will take seriously and investigate any complaints of discrimination, harassment or victimisation, using the agreed procedures and respecting confidentiality.

## **Responsibilities of workers**

**[There may be a number of general requirements of homeworkers in relation to communications, attendance at key meetings in the workplace, compliance with health and safety or wellbeing issues that could be outlined here, and/or detailed in the individual's homeworking agreement.]**

Homeworkers should ensure that they are taking steps to look after their wellbeing including

- maintaining regular contact with their line manager and colleagues
- ensuring that the line manager is aware of their whereabouts and availability during the working week and how to contact them
- raising issues of concern with their line manager including concerning workload and work-related stress
- taking regular rest breaks
- endeavouring to arrange a suitable environment where they can focus on work
- avoiding being 'always on' by ensuring that they identify non-working time
- making use of tools such as shared calendars and out-of-office messaging to help colleagues be aware of their availability
- not working when unwell
- contacting the employee assistance programme if they need support, for example, in relation to heightened feelings of anxiety
- being aware of the things that can cause them poor wellbeing and the activities and resources that can help to address this.

**[There is particularly a danger of working longer hours and not taking adequate breaks when people work from home, so this should be stressed to homeworkers and monitored by their line manager.]**

Homeworkers have a responsibility to take reasonable care of their own health and safety, that they work in a safe manner and ensure a safe working environment that complies with the Health and Safety policy **[include a link to the policy]**.

Homeworkers must notify their line manager if they believe that there are any work-related health and safety hazards whilst working from home, including ergonomic

issues with their home workstation, concerns about workload, the homeworking environment etc. They must also report any work-related accidents that occur in their home. The line manager will promptly inform ... **[complete as appropriate, such as the Health and Safety or HR officer]** to look into what action can be taken.

Homeworkers should check there are no issues with their home insurer, mortgage provider or landlord. The worker must check that there are no restrictions on them from homeworking – for example, in their mortgage agreement, lease or insurance. Any issues should be promptly reported to their line manager for advice.

Homeworkers are advised to take out a household contents insurance policy if they do not currently have one. If the home worker already has insurance, it is a condition of any homeworking agreement that they inform their household insurers of the arrangements and provide a copy of the policy wording and schedule to their line manager if their homeworking request is granted.

**[It is important that employers are also reminded to check the details of their insurance to make sure that business equipment used by a worker at their home is covered.**

**The employer's insurance also needs to cover them against a claim by a third party.]**

Homeworkers should take reasonable care of equipment and materials provided by **[name of employer]** and return any item to **[name of employer]** when requested. Equipment should only be used for work-related purposes and in accordance with any existing **[name of employer]** policies.

**[Name of employer]** will cover the cost of periodic repairs and maintenance of any personal equipment if it has been agreed by the line manager it can be used for work purposes.

**[The employer's legal requirement is that business equipment must be suitable for its purpose, maintained in good working order and inspected regularly. Therefore, they should cover costs of repair and maintenance to help ensure this.**

**Use of personal equipment is not ideal but if it is the case, particularly if homeworking is on an ad hoc basis or perhaps during a trial period, employers should compensate staff for any additional costs such as computer anti-viral protection, computer software, additional data for a mobile phone etc.]**

It is the responsibility of individual workers to ensure that their line manager has up-to-date contact details whilst they are homeworking. The information will be treated confidentially in line with the Data Protection policy found at **[include a link to the policy]**.

Homeworkers must keep information and materials safe and secure at all times and take reasonable precautions to maintain confidentiality in line with the Data Protection policy found at [\[include a link to the policy.\]](#)

All workers have a clear role to play in helping to create a work environment in which bullying or harassing behaviour is unacceptable and are reminded that the Dignity at Work policy [\[or refer to the particular anti-harassment and anti-bullying policy at your workplace\]](#) applies to all workers on and off the premises, including those working away from their normal place of work. Workers should report any instances of harassment, victimisation or discrimination experienced.

## **Sickness absence**

Homeworkers must comply with [\[name of employer\]'s](#) Sickness Absence policy found at [\[include a link to the policy\]](#) and ensure they report their sickness to their line manager when they are sick and unable to work.

## **Data protection, confidentiality and security**

[\[Name of employer\]](#) will conduct a data protection impact assessment, monitor and record how the 'processing' (i.e. 'obtaining, storing, viewing, holding, recording, transmitting or destroying information or data or carrying out any operation or set of operations on the information or data') takes place when staff are working outside of [\[name of employer\]'s](#) workplace including at home or travelling. This will also consider any additional safeguards necessary for special categories of data, in order to continue to comply with [\[name of employer\]'s](#) Data Protection policy found at [\[include a link to the policy\]](#).

Line managers must ensure that workers are made aware of the Data Protection Policy so that they understand their own areas of responsibility in order to comply with it.

Line managers must ensure that there is adequate provision of secure storage and facilities to ensure the secure destruction of confidential printed information (e.g. access to lockable fireproof storage areas and cross-cut shredders or other secure disposal methods).

Homeworkers are reminded to protect confidential information belonging to [\[name of employer\]](#) and to [\[complete as appropriate to your organisation such as other work colleagues, clients, customers, service users, suppliers, contractors etc.\]](#) and must follow any operating instructions to be used for homeworking including how to securely connect to various types of networks.

Homeworkers must report any actual or potential breach of security, confidentiality or data protection to their line manager immediately.

Homeworkers who are unsure about any aspect of security, confidentiality or data protection, should seek advice from their line manager.

**[The Data Protection Policy should also clarify what sort of monitoring the employer may carry out on homeworkers and ensure it complies with privacy and data protection legal requirements.]**

### **Review of this policy**

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in **[name of employer]’s** offices and through the staff intranet **[amend as appropriate to your workplace]**.

This policy will be reviewed jointly by unions and management, on a regular basis.

### **Signatories**

This agreement is made between **[name of the employer]** and UNISON, a registered trade union.

This agreement comes into force on:

Date:.....

This agreement will be reviewed on:

Date:.....

SIGNED ..... for **[name of the employer]**

DATE .....

SIGNED ..... for UNISON

DATE .....