



WELCOME TO OUR WEBINAR: EMPLOYMENT LAW ASPECTS OF WORKING FROM HOME



PROGRAMME

- 1 Current issues
- 2 Legal framework
- 3 Working from home policy
- 4 Directing and monitoring
- 5 Employee participation
- 6 Impact working from home
- 7 COVID-19 case law

NOS NIEUWS • ECONOMIE • TECH • VANDAAG, 10:54

Provider VodafoneZiggo allows employees to work from home more often, also after pandemic

Loneliness throttles employees working from home

Many employees working from home also want to work from home more often after the COVID-19 crisis – 1 to 3 days is preferred

ANP
🕒 31 aug 2020

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5

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6

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7

COVID-19 case law



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1

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2

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3

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5

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6

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7

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LEGAL FRAMEWORK

Home office
= workplace

Expenses
& sanctions

Right to
work from home?

LEGAL FRAMEWORK

■ Home office = workplace

- Working Conditions Act (*Arbeidsomstandighedenwet*) is applicable, but mitigated regime working from home
- Ergonomic workspace => resources & policy
- Hazard identification and risk assessment (*RI&E*)

■ Expenses & sanctions

- 'reasonably' = the standard
- Sanctions => fine from Working Conditions Act & under civil law (7:658 DCC)

■ Right to work from home?

- Subdistrict Court Nijmegen June 16 2020, ECLI:NL:RBGEL:2020:2954
- Flexible Working Act (*Wet flexibel werken*)



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1

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2

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4

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5

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6

Impact working from home

7

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WORKING FROM HOME POLICY

Duty of care
employers

Benefits for
employees

Working from home
policy and
-agreement

Acquired rights

WORKING FROM HOME POLICY

■ **Benefits**

- Commuting allowance => 19 cents per km / minimum of 128 days per year
- Research PWC: 4.5 million employees at home 1 day -> EUR 1.7 billion

■ **Working from home policy and -agreement**

- Policy:
 - Date of commencement/validity/adjustment & extension
 - Subjects: discretion employer, communication, working equipment/resources
- Agreement:
 - Arrangements & provisions



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1

Current issues

2

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3

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4

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5

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6

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7

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DIRECTING AND MONITORING WHEN WORKING FROM HOME

Right to issue
instructions
employer

Clear rules

Personnel control
system



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ROLE EMPLOYEE PARTICIPATION

- **27 Works Councils Act: Right of endorsement**

- sub b. Working- and resthours
- sub d. Working conditions
- sub g. Staff appraisals
- sub i. Consultation on work
- sub k. Processing of personal information employees
- sub l. Personnel control system

- **25 Works Councils Act: Advisory right**

- sub h. Major investments
- sub k. Major technological provision
- sub j. Arranging funding
- sub n. Expert



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1

Current issues

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5

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6

Impact working from home

7

COVID-19 case law



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1

Current issues

2

Legal framework

3

Working from home policy

4

Directing and monitoring

5

Employee participation

6

Impact working from home

7

COVID-19 case law