



Australian **Unions**

Working from home

Charter

The ACTU believes that working from home is here to stay.

Working from home offers opportunities to improve the lives of many workers – reducing travel time, more ability to manage work and family, and greater flexibility and autonomy.

There are also emerging risks: the impact on work life balance, the threat of doing more unpaid hours across a much longer working day, not having control of working hours, working expenses being borne by the employee, and the potential impact on mental health.

The ACTU believes that whether workers are at their office desk or kitchen table they should have rights and entitlements to shared productivity gains, a safe and health work environment and the ability to draw a line between work and life.

The following Working From Home Charter is what Australian Unions believe will make the experience of working from home better, safer and a more positive experience for working people.

1. Choice and shared benefits:

- Working from home must be voluntary
- There must be equal treatment of all workers
- Equipment and training are to be provided by the employer
- Work related expenses are to be reimbursed by the employer
- All working time must be paid
- Productivity gains should be shared
- Surveillance and performance monitoring is underpinned by principles of privacy, ethics and transparency

Workers' rights at home

Decisions about working from home should be made after consultation and agreement between employers and unions representing the interests of affected workers.

Working from home should be offered to all suitable workers to accept on a voluntary basis. Working from home should not be imposed, except in response to Government directives – such as in response to a pandemic.

The rights and entitlements of those working from home should be protected by legally binding agreements between the employer and the union.

Home workers must be treated equally with all other workers. The terms and conditions of all home workers should be fair and at least equivalent to workers who are not working from home. They must get the same opportunities for promotion, development and training and be equally eligible for other forms of flexible working.

Home working should have no adverse differential effects by gender, age, disability or other worker characteristics.

Equipment and training

It is the responsibility of the employer to ensure that appropriate equipment, systems, and technology to support remote working are properly installed, are functioning and maintained and that workers have the required training to operate those systems.

For digital work, the employer will ensure workers are aware of increased data protection and cyber security risks for home workers and will provide suitable software and training to ensure necessary understanding of and compliance with data protection policies.

Workers will be provided with any other training required to carry out their job while working from home at the employer's cost.

The Employer will take responsibility for insuring the equipment which is used.

Work Related Expenses

Working from home should not lead to cost shifting from employers to workers. The cost of both one-off and recurring expenses that the employer would normally be responsible for on employer provided premises should still be the responsibility of the employer when workers are working from home.

The employer will provide an adequate allowance or full cost reimbursement for all work related expenses including water, electricity and gas, stationery, equipment, amenities, telephone and internet expenses.

Working time

Working from home can facilitate flexible working arrangements that are mutually beneficial to employers and employees.

- All working hours arrangements must comply with relevant awards and collective agreements and accurate records of working hours must be kept.
- Employees should exercise choice and control over working hours within the limits of relevant awards and agreements
- All working hours must be properly compensated

Shared productivity gains

Where productivity gains are achieved, they should be shared with the workforce through collective bargaining.

Surveillance and Performance Monitoring

These principles will be applied to ensure an ethical and sustainable use of data.

1. Workers must have access to, and influence over, data collected on them
2. Sustainable data processing safeguards will be implemented
3. The data minimalization principle must be applied
4. Data processing must be transparent
5. Privacy and fundamental rights must be respected
6. Workers must have a full right of explanation when data is used
7. Biometric data and Personally Identifiable Information (PII) must be exempt
8. Equipment revealing employees' location should not be used unless there is an intrinsic need for doing so
9. A data governance body should be established with union representation

All of the above should be implemented in a collective agreement.

2. A safe place:

- Employers remain responsible for the health and safety of workers
- Consultation about working from home is to take place through elected Health and Safety Representatives and the union
- Risks to mental health, ergonomics, violence, and bullying must be controlled
- Workers must be able to report incidents and injuries during working hours

A safe place

A person conducting a business or undertaking is accountable for the health and safety of the home workplace in the same way as they are for a conventional workplace. In consultation with employees and their representatives, the employer must identify, assess, and control risks arising from work from home arrangements.

There are specific risks associated with working from home that must be taken into consideration. In this regard the employer will make every reasonable effort to ensure that homeworkers:

1. Are covered by a relevant up-to-date risk assessment.
2. Are included in all consultation and properly connected to elected Health and Safety Representatives and their union.
3. Have a suitable workspace at home for carrying out their work, with particular care given to ensuring proper ergonomics.
4. Are protected from risks of to their mental health including stress and/or depression.
5. Are protected from hazards connected to home working, including any increased potential for on-line bullying and domestic violence.
6. Have a suitable system in place for reporting accidents or injuries during work hours.
7. Are taking adequate breaks when they work from home.
8. Get regular contact and communication from their line management and co-workers.
9. Working hours are not excessive.

3. Work/life balance:

- Choice and control of working hours
- Carer's responsibilities must be accommodated
- Excessive hours must be avoided
- A right to disconnect

Work/life balance

Working from home brings with it an increased risk of working life impinging on non-working life and the encroachment of work into the personal sphere. It is important that working from home occurs with legal and reasonable limits on working time. Regulations and limits around working times are a fundamental protection for employees. This means that:

1. Flexible work arrangements must be based on employee choice and control.
2. Employees must have a right to disconnect from work.
3. Workers must not be encouraged or rewarded for being constantly connected.
4. Records regarding employee working hours including breaks, starting and finishing times, must be kept and made available for inspection by a properly authorised person when required.

4. Making work better by working together:

- Join, participate in and be represented by the union,
- Be connected to co-workers,
- Be supported by the employer
- Legally enforceable rights
- Access to an independent dispute settlement process

Better together

Working from home brings new challenges about ensuring that workers are not isolated and have the full support they need to stay connected to co-workers, are properly supported by their employer and can fully realise the potential benefits of working from home. This requires specific measures to be in place that take into account the differences between working from home and working on the employer's premises.

Working from home arrangements should encourage and facilitate an employee's right to union representation and advice. The employer recognises that unions have industrial and representational coverage of employees working from home and the employer will recognise and deal with the appropriate union/s in relation to work from home.

The employer will recognise the nomination of union delegate(s) who will be permitted to support and represent employees working from home.

The delegate will be provided with reasonable time during working hours to attend to union matters including training, consulting with, and representing employees working from home. Both those working from home and the delegate will have access to resources, including digital and connectivity resources required to effectively communicate.

On commencing a work from home arrangement, the employer will provide the employee with the contact details of the union and any nominated delegate and provide the employee with the opportunity to consult with them. At this time, the employer will also provide the union, or where nominated by the union, the delegate with the opportunity to address employees who will work from home about their rights.

Any disputes or grievances that arise in connection with a working from home arrangement will be subject to an independent dispute settlement process which includes arbitration where the matters cannot be resolved through discussion between parties.

5. Good jobs at home support good jobs in the workplace

- Protections are designed to suit the place of work
- Working from home does not undermine protections elsewhere
- Working from home does not undermine quality across the workplace

Maintenance of existing job quality

The employer recognises that the protections employees have at work should not be weakened by the fact that some workers move to home working for part or all of the time. Changes to working times at which ordinary rates of pay or penalty rates apply, for people still working on the employer's premises, will not be sought or justified simply on the basis of accommodating those employees working from home.

This does not mean work must occur at the same time at home as it would occur on the employer's premises. Suitable hours for work at home need not be the same as suitable hours for work on the employer's premises. Working time arrangements, and other aspects of the regulation of work, must be designed to separately suit home working and working from the employer's premises, while consistent with the principle that all time worked must be paid for.

The employer will not downgrade the quality of working life on the employer's premises simply because some employees are working from home. Workers will still be able to come to the premises, perform their duties, access amenities, and interact with other employees in a similar way to how these occurred before home working commenced.

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