

Working From Home: Guide to Best Practice

The benefits and risks for Finance Sector Workers

Updated March 2021

During COVID-19, many finance sector employers facilitated working from home (WFH) arrangements. This allowed critical work to continue while keeping employees safe.

It's now clear the many benefits of WFH should be more widely available: reduced commuting time, supporting greater gender balance in the workplace, increased employee engagement and productivity, and greater ability to balance work and home responsibilities.

The FSU is committed to making sure WFH remains available to finance sector employees now, and into the future.

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FSU Working from Home Policy

Introduction

Working from home has become part of the new normal and it is likely to continue to be accessible to much larger parts of the workforce than ever before.

Working from home offers many benefits to workers and organisations. These include a reduction in commuting time, better ability to balance work and family commitments as well as greater flexibility and autonomy.

There are also risks associated with working from home and these include blurring the lines between work time and personal time, an increase in unpaid work and longer hours, bearing the expenses of power, internet and incidentals, and an increased potential for mental health impacts to go unnoticed.

People who work from home should be entitled to share the productivity gains of working from home, without having to bear the increased costs associated with this work.

The following FSU policy sets out the principles that underlie successful work from home arrangements and the expectations that the FSU has of both employers and employees who enter into work from home arrangements.

Key Principles

- 1.** An employee must have the right to disconnect from work outside of their nominated working hours.
- 2.** Employees should not be encouraged to be constantly connected to the workplace through benefits or reward programs.
- 3.** Employees working from home should not be disadvantaged or discriminated against.
- 4.** Employees should be able to enter into and out of work from home arrangements based on their personal circumstances, responsibilities and preferences.
- 5.** Employees should not bear the costs of setting up or continuing work from home arrangements.
- 6.** Occupational health and safety risks and hazards found in work from home environments must be managed in the same way as they would be in a workplace environment.

Choice and shared benefits

- Work from home must be voluntary
- All workers must be treated equally
- All required equipment and training to be supplied by the employer
- All work related expenses must be reimbursed by the employer
- All working time must be paid
- Productivity gains should be shared
- Workplace 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 with employees, employers and the FSU. Work from home should be available to all employees in suitable jobs on a voluntary basis. With the exception of government health directives, no worker should be forced to work from home.

Employees may not be able to work from home for a range of reasons, including but not limited to:

- Lack of space – not having a suitable space that can be set up to meet minimum OHS standards or provide quiet space suitable for work.
- Lack of privacy – this could be due to living in share accommodation or with other household members who are working/studying at home.
- Safety concerns – particularly but not limited to concerns about family and domestic violence
- Lack of infrastructure – lack of access to reliable fast internet connection
- Health related concerns – this may relate to physical or mental health whereby working from home is deemed unsuitable.

Working from home arrangements should be put in writing and protected where possible in legally binding agreements (such as Enterprise Agreements or employment contracts) between the employer and employee.

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

Equipment and training

It is the employer's responsibility 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 that 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 employers cost.

The employer will take responsibility for providing insurance for the equipment being used.

Work related expenses

Working from home should not lead to shifting the cost of providing suitable premises from employers to employees. 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 the Banking, Finance and Insurance Award (BFI Award) as well as the relevant enterprise agreement (EA). Accurate records of working hours must be kept.
- Employees should exercise control and choice of working hours within the limits of the BFI Award and the relevant EA.
- No one should be expected to work unpaid overtime.

Surveillance and performance monitoring

These principles should be applied to the collection of data and the monitoring of employee performance:

- Employees must be consulted about the data that an employer collects about them, and they must be able to influence decisions about how that data is used.
- Employees must understand how the data that is collected is being used.
- Biometric and personally identifiable information must be exempt from collection.
- Privacy and fundamental rights must be respected.
- Equipment that reveals the location of an employee should not be used unless the employer can establish an absolute need for this data to be collected.

A safe place

Employers remain responsible for the health and safety of their employees, regardless of their location. Consultation about working from home should include elected Health and Safety Representatives (HSRs) and the union. There must be systems in place that allow employees to report incidents and injuries during working hours.

Risks that should be controlled in a WFH environment include:

- Mental health
- Ergonomics
- Violence
- Bullying

Employers must ensure that employees who work from home:

- Are covered by an up to date risk assessment.
- Are included in all consultation and properly connected to HSRs and their union.
- Have a suitable workspace at home for carrying out their work, with particular attention paid to proper ergonomics.
- Are protected from risks to their mental health including stress and/or depression.
- Are protected from hazards connected to home working including any increased potential for domestic violence and on-line bullying.
- Are taking adequate breaks from work.
- Get regular contact and communication from their line management and co-workers.
- Are not working excessive hours.

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 WFH occurs with legal and reasonable limits on hours worked. This means that:

- Flexible working arrangements must be based on employee choice and control.
- Employees must have a right to disconnect from work.
- Workers must not be encouraged or rewarded for being constantly connected.
- Records regarding employee working hours, including start and finish times and breaks must be kept and made available for inspection by relevant authorities as required.

Working together to improve working conditions

One of the challenges faced with working from home is 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 consider the differences between working from home and working on the employer's premises. WFH arrangements should encourage and facilitate an employee's right to union representation and advice. The employer must recognise that unions have industrial and representational coverage of WFH employees will recognise and deal with the FSU in relation to WFH matters.

The employer will recognise the nominated FSU reps who will be permitted to support and represent employees who WFH. FSU Reps will be provided with reasonable time during working hours to attend to union matters including training, consulting with, and representing employees who WFH. Both those who WFH and the FSU Rep will have access to resources, including digital and connectivity resources required to effectively communicate. When an employee starts to WFH, the employer will provide the employee with the contact details of the FSU and the relevant FSU Rep and provide the employee with the opportunity to consult with them. At this time, the employer will also provide the FSU or FSU Rep nominated by the FSU with the opportunity to address these WFH employees about their rights.

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

There will be good quality jobs at home as well as good quality jobs in the workplace

Employees will recognise that the protections employees have will not be dependent on their physical location. These protections exist in both WFH and working in employer provided premises. Employers will not use the justification of accommodating a WFH request to reduce the times at which penalty rates are paid. This does not simply mean that working hours for those who WFH must be identical to those who do not WFH. Working time arrangements whether at home or on employer premises must be designed to suit both employers and employees based on the same principle that all working hours must be paid.

An employer will not downgrade the quality of working life on employer provided premises simply because some employees have WFH arrangements. Employees will still have the option of working at employer provided premises, access employer provide amenities and interact with other employees in a similar manger to the way this was done prior to entering into WFH arrangements.

WORKING FROM HOME

Best Practice Principles

These points set out the gold standard for employer policy.

1

An employee must have the right to disconnect from work outside of their nominated working hours.

2

Employees should not be encouraged to be constantly connected to the workplace through benefits or reward programs.

3

Employees working from home should not be disadvantaged or discriminated against.

4

Employees should be able to enter into and out of work from home arrangements based on their personal circumstances, responsibilities and preferences.

5

Employees should not bear the costs of setting up or continuing work from home arrangements.

6

Occupational health and safety risks and hazards found in work from home environments must be managed in the same way as they would be in a workplace environment.

NEED ADVICE?

FSU members who have had their WFH requests denied can call the FSU Member Rights Centre on **1300 366 378** for advice and support.

NOT YET A MEMBER?

Show your support for workplace flexibility: join the FSU and get behind our campaign for better ongoing access to Work From Home.

If you're already a member, you can talk to your colleagues about supporting our WFH campaign by joining today.

JOIN TODAY AT

fsunion.org.au/join OR CALL **1300 366 378**

