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Remote working needs to “protect competitive, pro-enterprise economy” – Tánaiste

ANDY PRENDERGAST

An Tánaiste Leo Varadkar has signalled that the planned ‘right to request’ remote working law will be published by the end of 2021, and which will “provide a clear framework around which requesting, approving or refusing remote work can be based.”

Speaking at the Employment Law Association of Ireland (ELAI) AGM this week, Mr Varadkar said the forthcoming law “will also provide legal clarity to employers on their obligations for dealing with such requests”, he added, but acknowledged he still does not know what the law will look like.

The right to request remote working law will be informed by the public consultation, which closed recently, as well as examples of requesting remote working abroad. Almost half of EU Member States have a form of a right to request remote working already, while other countries are in the process of introducing new rights in this area.

He cited the example of Finland, where a “radical” new working hours law permits a majority of full-time employees to decide when and where they work, for at least half of their working hours. He also referred to the systems in place in the UK, New Zealand, and in the Netherlands, where it is expected employers honour remote working requests “unless there is a business or service interest involved in not doing so.”

In Ireland there needs to be a balanced approach, “based on common sense and the need to protect our reputation as a competitive, pro-enterprise economy”, said Mr Varadkar.

The Tánaiste said he wants to seize the opportunity of coming out of the pandemic to “make a permanent change for the better, in the way we work; greater work-life balance, less commuting and more collaborative and creative office environments.”

He also listed the opportunities for rural Ireland, which is a key pillar for the Government’s Making Remote Work policy, but noted the challenges of more remote working, too, such as making sure that city centres are not “hollowed out.”

Irish cities “will be competing with Barcelona, Leeds, Paris and Lisbon in the battle for talent – and talent can remote work from almost anywhere,” he said, adding that cities in Ireland “need to be vibrant places where talented people want to live.”

COLLECTIVISM

Mr Varadkar also noted draft legislation on statutory sick pay “is due in the coming weeks”, as well as citing future developments on a living wage and “better access to representation.”

The Tánaiste was referring to the ongoing high-level review of industrial relations and collective bargaining in Ireland, under the auspices of the Labour Employer Economic Forum, and chaired by Professor Michael Doherty.

Speaking on Mr Varadkar's address, ELAI committee member and senior associate at A&L Goodbody, Ciaran Ahern, noted that many younger workers and foreign nationals, now considered to be essential and frontline workers, "are not aware of – let alone in a position to enforce – their employment rights."

"Not everyone has access to or can afford an employment lawyer when their rights are not being upheld. Unions have played a really valuable role during the pandemic, in particular in protecting health and safety of frontline workers, such as in meat plants, and to ensure that employers are meeting their legal responsibilities", Mr Ahern noted.

"Ireland is an outlier in Europe in failing to recognise collective bargaining rights", he added, positing: "What good is your individual constitutional right to join to a union if your employer can simply refuse to engage with that union?"

He said "collectivism and solidarity is beginning to trend again, not least in Joe Biden's America [...] people are looking at things another way at the moment and certainly collectivism is part of that."

Also speaking at the ELAI event, Ms Julie Galbraith (Eversheds Sutherland) noted the importance of ensuring that "blended working" factors in equality and inclusion considerations and that existing imbalances are not increased.

Linda Hynes (Lewis Silkin) relayed that queries on mandatory vaccination have eased off lately, with most employers adopting a voluntary approach, but which still depends on the type of work in question. ELAI chair Anne Lyne (Hayes Solicitors) noted the PR dimension for businesses to show their customer-facing staff have been vaccinated.