

DISTANCE WORK AS A MEASURE TO TACKLE THE PANDEMIC

In order to tackle the COVID-19 pandemic, it was decided as an exceptional and temporary measure to work remotely in the private and public sectors, almost throughout the pandemic.

Distance work means that, which is provided without the physical presence of the worker in the agreed space or where it would have been provided if the extraordinary pandemic situation had not existed. The Ministry of Labour in its circular (12339/404/12.3.2020) defined as distance work the one performed by the employee without requiring his physical presence at the place of work. Given, of course, the restrictions to the freedom of movement, the place from which distance work should normally be provided will be the place of the worker's principal or temporary residence. By imposing a system of distance work, the employer cannot impose a specific place from which the work will be provided, but shall accept the work as long as it is provided remotely.

The main form of distance work, as explained by the Ministry of Interior is teleworking. Teleworking is defined as the form of organisation and/or execution of work using information technology (IT), on the basis of an employment contract or relationship, where a task which could be performed on the employer's premises is carried out, on a regular basis, outside those premises.

Teleworking can - exceptionally and only because of the pandemic- be imposed by the employer unilaterally and not by agreement. By imposing teleworking, the employer must:

- Deliver in writing to the employee within eight days of the start of the work, all the information relating to the performance of the work and in particular as to the hierarchical connection with his superiors in the company, his detailed tasks, the way in which the financial remuneration is calculated, the way in which working time is measured, the recovery of the costs caused by its provision (telecommunications, equipment, device failures, etc.). If the contract contains an agreement for tele-readiness, the time limits and the deadlines for the employee to respond shall be defined within.
- To bear the **costs incurred** to the employee by the form of this type of work and in particular of telecommunications
- To provide the employee with technical support for the provision of his work and to bear the costs of repairing the devices used to perform it or replace them in the

event of failure. This obligation also applies to devices belonging to the employee, unless it is otherwise specified in the employment contract or relationship.

Please note that:

- The teleworker may himself determine his working time, but within the framework of the applicable legislation, collective agreements and regulations of the companies.
- Although not defined in the law, it should be accepted that it is possible to do part-time distance working or part-time teleworking, i.e., to agree that with this particular work system, the worker will only provide a few days per week of his work.

It should be clarified that once the pandemic measures cease to apply, the worker should return to his place of work, without waiting for a relevant invitation from the employer.