



WORKING FROM HOME AFTER COVID-19: WHAT EMPLOYERS NEED TO KNOW

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The Covid-19 pandemic and resulting restrictions on the operation of non-essential businesses pushed many employers into implementing temporary working from home arrangements in order to maintain business continuity. Many predict that this shift towards remote working will become more permanent and commonplace after Covid-19. Indeed, many international companies - including Amazon, Facebook and Microsoft - have already announced their intentions to adopt more expansive working from home policies.

Here are some of the legal and HR issues that you should consider when deciding whether or not to make a permanent shift towards working from home in your own business.

You Should Have A Working From Home Policy:

There are currently no employment laws in Trinidad and Tobago that are specifically geared towards working from home. While remote workers are still generally subject to the same rights and protections that apply to all employees, some of these provisions may not easily translate to a working from home arrangement, resulting in gaps and uncertainties. It is therefore a good idea for employers to develop and implement proper Working From Home policies in order to avoid any misunderstandings or disputes in the long term.

Some of the things that you might want to address in your Working From Home Policy include:

- **The Payment of Overtime:** The legislative provisions governing the payment of overtime in Trinidad and Tobago are limited. There are currently no laws requiring the payment of overtime rates to employees earning over 1.5 times the national minimum wage, and so in the majority of cases an employee’s entitlement to overtime will depend on the provisions of the employment contract, collective agreement or employment policy. Employers are not required by law to pay overtime to remote workers. However, it is important to double check your current policies to ensure that they would remain relevant in the context of a working from home arrangement and make any amendments that may be necessary.
- **The Reimbursement of Expenses:** Employers are not required by law to reimburse employees for the expenses that may be associated with working from home. That said, it is certainly in an employer’s interest to ensure that its employees are contactable and have all the tools needed in order to effectively carry out their duties. There may therefore be practical reasons why an employer might wish to provide employees with a telephone and/or internet allowance or to reimburse the employee for at least a portion of those expenses. It is also important to double check your current policies to ensure that they would remain relevant in the context of a working from home arrangement. For example, employees may have a decreased need for uniforms or transportation, and so any existing uniform or travelling allowances may need to be scaled back.
- **The Provision of Equipment:** Employers do not have any general obligation to provide remote workers with electronic devices or office equipment. However, where employers do opt to provide equipment to employees for practical and other reasons, such as ensuring data security by restricting the use of employee personal devices, it would be important to ensure that this equipment is in proper working order and properly maintained. Additionally, employees with specific medical conditions may be entitled to be provided with special equipment - such as special ergonomic seating - depending on the nature of their condition and whether such equipment has been medically recommended.

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