

Remote Working Policy & Procedure

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1 Introduction

1.1 Purpose

The University of Limerick is committed to fostering a workplace culture that values a healthy work life balance, recognising the importance of flexibility in supporting staff wellbeing. Remote working is an essential component of our commitment to providing a balanced and supportive environment for our employees while continuing to contribute effectively to the University mission and values. As a campus-based University, we are also committed to maintaining a vibrant, collaborative and engaging campus environment that maximises the on-campus student experience.

The University of Limerick's Culture Charter forms an important backdrop to all University of Limerick HR policies and procedures. The values and behaviours outlined in the Culture Charter should guide how we act, interact and connect with one another in the challenges and successes of university life. The values and behaviours outlined in the Culture Charter should also guide how we interpret these policies and procedures.

In this context, this policy sets out the principles that will apply to remote working arrangements in the University that balance the needs of employees and students. The University will deal with each request objectively, fairly and reasonably, in line with the legislation, the procedures set out in the WRC *Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working* and this policy.

1.2 Scope

1.2.1 To whom does the policy apply?

This Policy applies to all employees of the University. Employees may request Remote Working from their first day at a new job, but they must complete a minimum of 6 months continuous employment with the University before an approved arrangement can commence. A gap in service of less than 26 weeks (excluding any period of statutory leave taken) with the University will be discounted for the purpose of assessing whether an employee has the required 6 months continuous service before a Remote Working arrangement is approved to commence.

1.2.2 Who is responsible for ensuring that the policy (and any associated procedure) is implemented and monitored?

The implementation and ongoing compliance of this policy will be the responsibility of the direct line manager, with the Dean's/Head of Department/Division playing a key role in the implementation of this policy and procedure. Policy review will rest with HR.

1.3 Definitions

- ***"Remote Working"*** for the purposes of the Work Life Balance and Miscellaneous Provisions Act, 2023 (the 2023 Act) Remote Working (RW) is an arrangement whereby some or all of the work ordinarily carried out by an employee at an employer's place of business under a contract of employment is provided at a location other than at the employer's place of business without change to the employee's ordinary working hours or duties.

- The term ***Remote Working Location*** refers to the location where an employee works all or part of their working week at a location remote from the employer's workplace, which may be the employee's home. For the purpose of this policy, any Remote Working Location must be located within the jurisdiction of Ireland.

- The term(s) "**business needs/needs of the University**", refers to work standards and performance levels which must be maintained to facilitate remote working. When considering a remote working request, managers must ensure the agreed arrangement delivers an optimal level of service and experience for students and other stakeholders. Meaningful face-to-face engagement and collaboration, including participation in University activities, are a cornerstone of the University experience for both staff and students. It is therefore essential that these are protected and sustained.

- The term **"remote working DSE (Display Screen Assessment) questionnaire"** refers to the document completed by the employee and returned to their manager prior to commencing remote working.

2 Context

2.1 Legal and Regulatory Context

The following legislation informs this policy:

- Work Life Balance and Miscellaneous Provisions Act, 2023 (the 2023 Act) Remote Working (RW)
- Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working
- The Organisation of Working Time Act, 1997
- Data Protection legislation/regulations
- Employment Equality Acts 1998-2015
- Safety, Health, and Welfare at Work Act, 2005 together with various relevant regulations
- Terms of Employment (Information) Acts, 1994 – 2014
- Code of Practice for Employers and Employees on the Right to Disconnect (2021)

3 Policy Statements

3.1 Principles for Remote Working

The University recognises that working remotely can have benefits for both individual employees and the University. To ensure we all have the best experience everyone has a responsibility to play their part in making this a success. The following principles will be applied when an application is made for remote working arrangements. These include but are not limited to:

- All UL employees are entitled to request remote working, however, for face-to- face, in-person/student/other on-site activities, remote working may not be an option. The University reserves the right to refuse remote working requests and/or to modify or cease a remote working arrangement, which may previously have been in place based on the requirements of the University and/or satisfactory performance.

- The University will deal with each request for remote working objectively, fairly and reasonably, in line with the legislation, the procedures set out in the WRC Code of Practice and this policy.

- In line with legislation and the WRC Code of Practice, employees are entitled to request remote working arrangements. A remote working arrangement is not guaranteed.

- The appropriateness of a role's suitability for remote working will be determined on a case-by-case basis by the line manager and will be re-evaluated where required.

- The University is committed to providing a quality on-campus service to students, employees, and the wider campus community. The nature of the role and the needs of the School/Department/Team/Unit/Division will inform the decision on whether remote working is suitable for the role. In order to maintain connectivity and promote a vibrant campus atmosphere, it is UL policy that employees must attend campus for a minimum of 3 days per week (60% of their contracted hours) unless otherwise agreed. This means that an employee on a full-time contract may work up to 40% of their contracted hours / 2 days remotely, 60% of their contracted hours / 3 days on campus. At all times, the requirement to maintain the service provision of the University is primary in the final decision. Therefore, employees must be available to work on campus as and when required.

- The University recognises that, subject to operational needs, there may be defined periods during the year where it may be appropriate for employees to work on campus for more or less than 60% of their contracted hours. In such circumstances, an employee may agree with their line manager to adjust their on-campus working pattern during these defined periods. The length and timing of the defined periods will be determined by the line manager, which must ensure at all times that the operational needs continue to be met.

- All employees have the right to make a statutory request for remote working. UL will deal with each application objectively, fairly, reasonably, in line with the legislation, the procedures set out in the WRC Code of Practice and the provisions of this policy.

- Employees who are already availing of flexible working arrangements may request to avail of remote working. An application for remote working must be considered, in conjunction with minimum office attendance requirements, on a case-by-case basis.

- Reliable broadband connection is vital for effective home working. It is the responsibility of the employee to demonstrate that they have adequate broadband capacity and may be required to provide evidence of same. If adequate broadband capacity is not available, the employee's request for remote working cannot be facilitated.

- Secure authentication to University systems is essential when working remotely. All employees must utilise secure authentication methods including but not limited to the use of the Microsoft Authenticator mobile app whether on University owned mobile phones or personal mobile phones. Insecure authentication methods such as SMS and calls cannot be used. If secure authentication methods cannot be used then the employee's request for blended working cannot be facilitated.

- Should a remote working arrangement be agreed, standard work hours and existing contractual terms as per contract of employment will be expected to be maintained.

- Where remote working arrangements are in place, a manager may require an employee to attend work on-site outside of the agreed remote working schedule. This may occur either on a temporary or ongoing basis, in line with the business needs of the department, school, team, or unit. In such cases, reasonable notice will typically be considered as at least 48 hours, unless otherwise agreed. However, in exceptional circumstances, such as urgent operational requirements, unforeseen staffing shortages, or critical in-person meetings, shorter notice may be necessary. In these instances, managers will make every effort to communicate the requirement as early as possible and to accommodate the employee's personal circumstances where feasible.

- The primary location of work for all UL employees will remain as per their UL contract of employment.

- As desk and office space is at a premium across the University it may be a requirement for employees who are availing of remote working to operate in a shared space, or 'hot desking', basis during the period of the arrangement. Please consult The University Space Management Protocol for full details.

- Once agreed, remote working arrangements will apply for the employees' current role in line with their current contractual terms. Should an employee move roles within the University, they will need to make a new application for remote working as the role and position will be different and may or may not be suitable for remote working.

- Pursuant to the University's contractual terms of employment, applications for remote working outside the jurisdiction of the Republic of Ireland will not be facilitated.

- To ensure ongoing fairness and equity to all employees, remote working will not be guaranteed indefinitely to any employee, as rotation may be required, to support delivery of service to the University stakeholders, and the overall needs of the University.

- The health and safety of all employees is of paramount importance. Both the University and employees have responsibilities in this area which apply regardless of the location where the work is being carried out.

- Each application for remote working will be for a maximum period of 12 months and will be subject to regular review. Remote working will be guided by relevant prevailing legislation, government policy and revenue guidelines.

- This policy is not intended to confer any legal or contractual entitlement on an employee to work remotely.

4 Related Procedures for Remote Working Policy

4.1 Purpose of this procedure is to:

- Clarify the process for employees on how to apply for remote working arrangements.

- Clarify the role of line managers and employees in the effective implementation of this policy and procedure.

- Clarify the role of Human Resources in the effective implementation of this policy and procedure.

- Ensure each request for remote working will be dealt with objectively, fairly and reasonably, in line with the legislation, the procedures set out in the WRC Code of Practice on Flexible and Remote Working and this Policy.

- Ensure consistent and fair treatment of employees who wish to apply for remote working arrangements, in line with university needs.

- Ensure clear objectives and expectations are set out upon approval of a remote working application.

4.2 Procedure to make a Remote Working Request

- Employees who wish to have an application for remote working considered, should have an initial discussion with their line manager to assess suitability of their role for remote working.

- Following initial discussion with the line manager, employees should complete the online remote working application form no later than 8 weeks before the proposed starting date.

- The request must include the following information to help with the decision-making process:
    - Details of the remote working arrangement i.e. how many days and which days requested; and
    - The proposed starting and end date of the arrangement.
    - The reasons for requesting remote working.
    - Details of the proposed remote working location.
    - Employees should complete the remote working DSE questionnaire for their remote workspace.

- On receipt of a remote working application, the line manager will consider both the suitability of the role for remote working as well as the employee's suitability to work remotely. In reviewing whether a role or an individual employee is suitable for remote working, it is important that both are reviewed in an objective, fair and reasonable manner.

- In reviewing whether a role is suitable for remote working the following questions may be considered by the line manager:
    - What type of work does the role entail?
    - What are the employee's key duties?
    - Can any of the duties which make up the role be undertaken remotely?
    - Does the role require a high degree of manual work?
    - Does the role include tasks that must be performed or are more efficiently performed on-site?
    - Does the role require access to equipment/technologies or data that are only available on-site?
    - Does the role require face-to-face engagement with students, customers or other employees on-site or at other locations?
    - Would remote working affect the service quality or University operations taking into account the number of employees currently on approved leave and/or on approved remote working or flexible working arrangements?
    - Are there technological solutions to mitigate issues arising from remote working?
    - Do any health and safety issues arise if activities are undertaken remotely?

- In considering a request for remote working the line manager will also consider the suitability of the employee and the following questions may be considered:
    - Does the employee have the necessary IT skills to complete their required

job functions outside of the office?
    - Does the employee understand their role and require minimal supervision to complete their tasks?
    - Has the employee met the requirements of the role as per their Job Description?
    - Is the employee subject to a probation period?
    - Has the employee demonstrated an ability to meet deadlines or any other business requirements?
    - Does the employee understand the need to demonstrate flexibility when required to attend on-site outside of their agreed arrangement in order to meet business needs?
    - Does the employee understand that there may be a requirement to participate in team meetings/training/one-to-ones online while working remotely?
    - Has the employee maintained a satisfactory attendance record and complied with the University managing attendance procedure?
    - Does the employee need to be on-site to collaborate with colleagues in a team environment in a face-to-face setting?

- A request for remote working will be responded to as soon as reasonably practicable, but no later than 4 weeks after receiving the request through the online system. If a line manager experiences difficulties assessing the viability of the request, this can be extended for a further period not exceeding 8 weeks from date of receipt of application. During the 4 weeks following receipt of the request the manager will either;
    - approve the request
    - refuse the request informing the employee that the request has been refused and the reasons for the refusal; or
    - provide notice in writing informing the employee that more time is needed to assess the viability of the request setting out the length of the extension

- Any statutory request for remote working beyond the UL Policy of 2 days per week / 40% of contracted hours also requires consideration by the Executive Dean / Divisional Director and the Deputy Director, Human Resources. Any such request will be considered in accordance with the provisions set out in these procedures. The line manager is required to consult with their HR Business Partner on receipt of any such request.

- The line manager's decision to accommodate requests must primarily be based on university needs whilst also considering the needs of the entire division/unit, the employees' needs and working patterns of staff.

- Where an application for remote working cannot be facilitated, the manager must state on the form the rationale for the decision to refuse the application.

- Where an application for remote working is refused, the applicant may wish to request a formal review as detailed in section 4.9 below. Prior to seeking a formal review, the applicant should have an informal discussion with their line manager. In such a

situation the parties may consider an alternative arrangement if feasible, taking into account the specific circumstances of each individual case.

(The process to make a Remote Working Request is summarised in the flow chart provided in Appendix 1)

4.3 Roles and Responsibilities

Responsibility of Managers

- When assessing remote working applications, managers must consider;
    - The operational and business needs of the University. Remote Working arrangements within a division/unit must ensure a sustained campus presence, it is essential that on campus facilities for both students and employees are sufficiently resourced at all times.
    - Suitability of the role for remote working arrangements (See section 4.2 above). Some roles by their very nature will not be suitable for remote working arrangements.
    - The need to facilitate collaboration, team building and engagement with colleagues and other stakeholders.
    - The requirement for a reliable broadband connection/speed.
    - Employee suitability (See section 4.2 above).
    - Ensure the provision of the necessary display screen equipment for the employee's remote work location.
    - Ensure compliance with the University Display Screen Assessment Process
    - Confirm employees have completed their Remote Work DSE assessment and that they are working from the agreed remote location and address any issues identified during the assessment as appropriate.
    - Whether the remote work location, as far as is reasonably practicable, meets the safety, health, and welfare obligations for their employees.

- Both the manager and the employee must agree the remote working pattern, i.e., days worked in the office and days worked remotely prior to commencing remote working.

- Ensure employees are available and working during contracted working hours be they working in the office or working remotely.

- Agree regular means of communication and clearly communicate and document expectations, objectives, key performance indicators and timelines for delivery of work, whilst encouraging close cooperation between team members.

- Carry out regular one-to-one meetings with the employee to provide opportunities to deliver and capture feedback and provide developmental support if required. If possible, this should be done face to face on the days that the employee is working

in the office.

- Regularly discuss the remote work environment to ensure continued compliance and ensure that the staff member is provided with suitable equipment.

- Each arrangement should be regularly reviewed/monitored by the line manager to ensure it continues to meet the needs of the University and individual performance standards and if necessary, capture any issues/concerns/gaps/successes, which may require attention and be discussed in advance of any future application. Regular reviews offer an opportunity for employees and managers to assess how well the arrangement is working and address any challenges at the earliest opportunity.

- Read this policy and be aware of the obligations under the Work-Life Balance and Miscellaneous Provisions Act 2023 and the accompanying Code of Practice.

- Ensure compliance with other legislative requirements including but not limited to Organisation of working time act, GDPR, Data Compliance, University Policies & Procedures.

Responsibility of Employees

- Both the employee and the line manager must agree the remote work pattern, i.e., days worked in the office and days worked remotely, prior to commencing remote working and no later than 8 weeks before the end of the current approved remote working period. Employees must be available to attend on site when required to meet business need.

- In order to avail of a remote working arrangement an employee must be able to access a satisfactory broadband connection via the secure IT network access mechanisms put in place by the University and will need to provide supporting documentation regarding broadband speed/connection.

- Comply with the University Display Screen Assessment Process.

- Ensure compliance with other legislative requirements including but not limited to Organisation of working time act, GDPR, Data Compliance, University Policies & Procedures.

- Employees must ensure that when working remotely at the agreed location, that they can work free from disruption and have adequate care arrangements in place for dependents that may be at home during working hours.

- Employees who have been approved for remote working will be required, on occasion, to attend on site outside of the agreed pattern, to avail of Training / team building opportunities / onsite meetings and are expected to attend if requested by their line manager.

- Complete the remote working DSE questionnaire as required and ensure they have the correct equipment and are using it correctly.

- Advise their manager of any accidents in the workplace, remote or on site.

- The University is not responsible for any injuries to the employee or any third parties outside of the designated workspace or during the employee's non-working time.

- It is the responsibility of the employee to designate a remote workspace, which is a dedicated space in their home. No work should be performed outside of the designated workspace unless work is being conducted whilst travelling on approved University business. The designated workspace must be kept in a safe condition, free from hazards to both the employee and equipment. Equipment provided by the University is for the sole use of staff members whilst working remotely.

- Stay in contact with their line manager and colleagues on a regular basis.

- Set up formal and informal channels of communication and adhere to them.

- Employees must ensure that they are clear on what is expected of them in their role and seek support from their manager when needed.

- Employees must ensure that they are engaged in development opportunities to enhance their skills,

- The employee is responsible for all utility costs associated with working from home as part of an approved remote working arrangement, including Wi-Fi, heating, and electricity. The employee is also responsible for travel to office costs.

- The remote working location must be based in the Republic of Ireland. Where an employee plans to move working location, this should be discussed in advance with the line manager. This is to facilitate a new risk assessment and other considerations in advance of the move.

Responsibility of Human Resource Division

- Policy and procedure compliance.

- Recording of remote working applications and appropriate record retention in line with legislation and the WRC Code of Practice

- Manage policy and procedure review process.

- Provide support for managers/employees in relation to the implementation of this policy and procedure.

- Regular reviews of the Remote Working Policy and Procedure will be conducted by the HR Division to ensure;
    - The University's operational requirements are maintained to ensure effective service delivery
    - Legislative compliance as it relates to the application of this policy and procedure.
    - Continued development of this policy and procedure to reflect the impact of new ways of working and any legislative changes.

4.4 Expiry of the Remote Working Arrangement

Remote working arrangements will automatically terminate at the end of the approved 12-month period. If an employee wishes to apply for an additional period of remote working, then they will need to make a new application 8 weeks prior to the termination date.

4.5 Termination of Remote Working

In line with the Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working, the University can terminate an approved remote working arrangement in certain circumstances, before or after it has started if satisfied that the remote working would have, or is having, a substantial adverse effect on the operation of the business, profession or occupation because of:

- seasonal variations in the volume of the work concerned, or
- the unavailability of a person to carry out the duties of the employee in the employer's place of business, or
- the nature of the duties of the employee in the employment, or
- any other matters relevant to the substantial adverse effect on the operation of the employer's business, profession or occupation.

In such circumstances the University can give an employee written notice of termination of an arrangement after considering the following:

- the needs of the business;
- the employees reasons for applying for remote working; and
- the requirements of the Code of Practice in relation to considering termination.

The notice will set out the reasons for termination and specify the date on which the employee must return to their original working arrangement. This date will not be earlier than 4 weeks from the date of receipt of the notice of termination.

Where the University proposes to give notice of termination, the employee will be:

- notified in writing of the proposal to terminate the arrangement, and
- include details of the grounds for terminating the arrangement, and
- give the employee 7 days after receipt of the notice to make representations in relation to the proposal, and

- consider any representations made by the employee before deciding whether to give notice of termination.

When considering termination of a remote working arrangement the University will consider if the reasons for terminating the arrangement are objective, fair and reasonable. The grounds for the decision will be set out in a clear manner in the notice to help the employee to understand why the arrangement is being terminated and that the decision has been given consideration. The University will also consider in an objective, fair and reasonable manner any representations made by the employee after they have received the notice.

Where possible, the University will engage with the employee to consider whether any alternative arrangements other than termination of the remote working arrangement may be feasible depending on the particular circumstances of their individual case. If the University decides to proceed with terminating the arrangement, the employee must return to their original working arrangement on the date stated in the notice.

4.6 Return to Previous Working Arrangement

An employee can request by written notice to their line manager, to return to their original working arrangement earlier than had been approved. The University will facilitate such requests subject to mutual agreement with the relevant Line Manager. Notification of cancellation of the agreement should be forwarded to HR Compensation and Benefits.

4.7 Abuse of Remote Working Arrangement

Employees availing of remote working must continue to meet all the requirements of their role while working remotely. If the University has reasonable grounds for believing that an employee is not fulfilling all of the requirements of their role, the University may be left with no alternative than to issue notice of termination of an arrangement setting out the reasons for termination and specifying the date on which the employee must return to their original working arrangement.

Where the University proposes to give notice of termination on these grounds the employee:

- will be notified in writing of the proposal to terminate the arrangement; and
- include details of the grounds for terminating the arrangement; and
- give the employee 7 days after receipt of the notice to make representations to the in relation to the proposal; and
- consider any representations made by the employee before deciding whether to give notice of termination.

Should a decision be taken to issue notice of termination, the employee will be required to return to their original working arrangement 4 weeks after receiving notice of termination for abuse of an arrangement.

4.8 Protection of Employees from Penalisation

The University will not penalise an employee for proposing to or having exercised their rights to make a request for remote working or a request to return to a previous working arrangement.

4.9 Review

If an employee feels that their remote working request has not been considered in line with this policy and procedure, legislation and/or with the Code of Practice they may seek a review within 10 working days of being notified of the decision. The review request must be made in writing to the Executive Dean / Divisional Director or where the Executive Dean/Divisional Director made the decision to the Director, Human Resources. The person conducting the review will communicate a decision within 10 working days and this decision will be final.

5 Related Documents

The following documents are related to this Policy and Procedure:

- The Workplace Relations Commission's Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working
- University of Limerick Job Share procedure
- Shorter Working Year Scheme Online Remote Working Form
- The University Space Management Protocol
- ITD Policies and Procedures
- Data Protection Policies and Procedures
- Right to Disconnect Policy and Procedures
- Flexible Working Hours Procedure

6 Appendix

6.1 Remote Working Application Process Flowchart

APPENDIX 1
Remote Working Application Process Flow Chart

