



What to consider when offering your employees the opportunity to work from home

Due to COVID-19 among other things, some companies have chosen to give employees the option to permanently work from home a couple of days a week. If your company is considering doing the same, we have gathered some recommendations and good advice for you to consider.

First, you must decide whether working from home is a possibility or a right. Should everyone be offered this opportunity, or should it be based on an individual assessment? Working from home must make sense for both the employees and you as their employer. Working from home can be viewed as an organisational tool where you can focus on efficient operations and performance.

First, as an employer, you must carefully examine and consider the following:

- You might wish to conduct a survey among your employees to find out whether working from home is something they are interested in doing. Also ask how many days a week they would prefer to work from home.
- Remember, working from home is an option and not a right, unless otherwise specified in collective agreements and/or local agreements. Danish working environment legislation must be complied with, and the home office must be reflected in a Health and safety risk assessment (called an arbejdspladsvurdering or 'APV' in Danish).
- Always assess whether working from home is possible considering the employee's function and work tasks.

Once the need for working from home is clarified, the process might look like this:

1. The employee must get approval from their immediate manager for working from home. In the light of the applicable collective agreements and/or local agreements, approval for working from home is granted based on an individual assessment, which considers things such as job function, job description, work tasks, etc. The working environment legislation has specific requirements relating to setting up home offices in situations where:
 - The employee works from home all the time, or
 - The employee works from home regularly, corresponding to at least one day a week

2. Discuss the employee's actual needs for working from home in terms of function and work tasks, collaboration with others, etc. Also, agree that the opportunity to work from home may be changed if the circumstances change. Even if an employee has flexible working hours, the employee must still be available for meetings, etc. to the same extent as before. There may also be special rules specified in collective agreements and local agreements.

When the working environment legislation applies to remote working/working from home, this means that the employer has the responsibility for ensuring that there are proper working conditions at the employee's home. If an employee is injured while working from home, then the situation may be covered under the Danish industrial injury legislation, and this is also something the employer must be aware of.

The working environment legislation has provisions that must be followed. The company's health and safety risk assessment must, as mentioned, also cover home offices. Among other things, the employer must ensure that the employee helps to keep the working conditions at home in line with health and safety guidelines - both parties have a mutual obligation to ensure this.

The employer is not authorised to inspect the working conditions in the employee's home. Therefore, it is the employee who is responsible for ensuring that the conditions are acceptable. Employees are also responsible for notifying their immediate manager if they experience physical problems when working from home. Both parties will then assess what can be done to improve the working environment.

If the employee is to work from home one day per week or more, the employer's working environment organisation can stop by and check the working conditions at the home office if the employee agrees to this. The working equipment available at home and its setup are key factors when it comes to whether an employee can perform his or her work tasks using proper working posture and movements. The interior design and working equipment impact the employee's risk of developing physical problems, ranging from minor discomfort, fatigue, headaches, restless legs, swollen feet and then also more serious back issues, mouse-related repetitive strain injury, etc. The employer must ensure that there has been sufficient communication on the proper setup of the workplace and that employee has received instruction in proper work postures.

The employer can choose to make working equipment available and define whether some of it should be mandatory or voluntary for the employee. This depends on the number of days spent working from home.

An example of a working equipment or furniture package may look like this:

Furniture package	
Furniture/working equipment	Mandatory/voluntary
A versatile office chair	Mandatory - the employee must have a chair with adjustable settings. The employees can use their own or order a new one.
A height-adjustable desk, lighting	Voluntary (120x70 cm)
Screen (1 unit 24" as in PFA)	Voluntary (the laptop PC is screen no. 1, if two screens are needed, you will be offered a 24" screen as screen no. 2)
Keyboard and mouse - with cord	Mandatory
Headset	Voluntary (can bring their own from the office)

If an employer makes working equipment available, a procedure for this must be agreed: For example, the parties may jointly decide what equipment is needed for the home office and the immediate manager can then order the items.

Read more on Arbejdstilsynet's (The Danish Working Environment Authority) website (in Danish):

<https://at.dk/regler/at-vejledninger/hjemmearbejde-d-2-9/>

As a rule, the employee will not be taxed on the working equipment made available by the employer if it matches the working equipment the employer also makes available at the workplace.

The employee must of course follow all existing rules and policies for IT security and the rules governing the safe storage and deletion of personal data. On 16 March 2020, the Danish Data Protection Agency published advice relating to safety and data protection when working from home.

Working from home requires that the employee has an adequate internet connection and can access the company's systems.

If an employee has work tasks involving external and internal virtual meetings, the employee and his or her home office must appear professional and live up to the same guidelines as when working at the company offices.

The company must ensure proper insurance coverage for working from home.