

Work from home

Abstract

The subject of this diploma thesis is work from home, which refers to work performed partially or entirely from an employee's domicile. The purpose of the thesis was to analyze the legal regulation regarding working from home and address selected problematic aspects related to it. The objective was to propose suggestions according to the designed law, which would help to align work from home with the current needs of employees and employers from a legal perspective.

The diploma thesis is comprised of an introduction, seven parts, and a conclusion. The first part discusses work from home as dependent work, as well as two modes of performing work at home depending on whether the employee schedules their working hours or not, and what the consequences are for both the employee and employer. An amendment to the Labor Code which became effective from 1 October 2023 is also mentioned here in connection with the changes made to the regime of employees working from home who schedule their working hours, which now falls under section 317 subsection 4 of the Labor Code. The second part is dedicated to the historical development of legal regulation of work from home, from the 19th century when the initial legal regulation of work from home dates back to the present day. The third part is focused on the transnational legal regulation of work from home, specifically the Home Work Convention, 1996 (No. 177) and Home Work Recommendation, 1996 (No. 184) of the International Labor Organization of 4 June 1996, the Framework Agreement on Telework of 16 July 2002, and the Directive (EU) 2019/1158 of The European Parliament and of The Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU of 20 June 2019. The fourth part focuses on the agreement on working from home which the employee and employer must always conclude if work is to be performed from home, in written form. The possible content requirements of the agreement on working from home are outlined here, as its content requirements are missing in the law. Related jurisprudence is also mentioned in this part. The fifth part deals with three problematic aspects arising from the performance of work from home: the control of employees working from home (jurisprudence on the adequacy of control is mentioned), occupational safety and health protection, and the productivity of employees working from home. The sixth part consists of pondering the advantages and disadvantages of working from home from the perspective of the employee and the employer. The seventh part offers a final overview of considerations according to the designed law in the area of working from home.

Keywords: work from home, telework, agreement on working from home, remote work