

# Remote work bill should be given 'decent burial' – Nash

## ANDY PRENDERGAST

**Labour TD Ged Nash said the Government's "toothless and anaemic" bill on the 'right to request' remote work "should be scrapped", but the Government said it is committed to progressing new legislation through the Oireachtas "as quickly as possible."**

The maligned 'right to request' remote work bill was further discussed in the Dail, last week, as Opposition TDs outlined their main problems with the bill, such as the perceived imbalance that would give employers a de facto 'right to refuse' remote working requests.

Published in January, the general scheme for the bill has been criticised by both employee and employer representatives, for a variety of reasons (*see News Feature in IRN 04/2022*). Chief amongst the complaints for trade unions is the lack of a statutory right to challenge an employer's substantive reason(s) for refusing a remote working request.

However, Minister of State, Robert Troy, said the Government "is currently examining the legal issues relating to strengthening the redress provisions and the right of appeal and is taking legal advice on the matter."

Introducing a motion on flexible and remote work in the Dail, last week, Deputy Ged Nash said the draft heads of the Bill are "a charter for refusal", and that the Government "would be better off giving this, frankly useless, Bill a decent burial."

Labour's motion wants to shift the focus to the wider issue of flexible work, and that there should be a "presumption in favour of flexible work". Furthermore, an employer's refusal to grant an employee their request for remote work should be "objectively justifiable, appropriate and proportionate."

Deputy Duncan Smith argued that despite a strong preference of employees for remote working, the Government's "failure to enact a real right to flexible work" has meant "many have been hauled back to the office in recent weeks."

He said the Government's "wrong-headed approach to essentially give employers the right to refuse requests to flexible work will be shown to be on the wrong side of progress."

## PAY DIFFERENTIAL?

Minister of State Robert Troy reiterated, however, that the Tánaiste and the Government "have said on several occasions that we are open to changes, especially on the provisions

relating to the number of reasons to reject a request for remote working and the mechanisms for appeal.”

It is the Government’s intention that the bill “be progressed through the Oireachtas as quickly as possible.”

Minister Troy also cautioned that “we should not conflate the experience of homeworking during the pandemic with remote working under a regular scenario.”

Labour TD Ivana Bacik pointed to a failure of the draft Bill to give a presumption that if work that has been done remotely during the pandemic, “it is reasonably practical to expect it to continue to be done remotely or at least to give employees and workers the option to work remotely and to work in a hybrid fashion.”

Several deputies have raised the issue of how an increase in remote working has led to increased female labour market participation. Ms Bacik cited Central Bank statistics which found women's participation in the Irish labour force has increased by 3.5 percentage points since the Covid-19 pandemic began.

Sinn Fein Deputy Martin Kenny raised an issue of a potential pay differential issue between office-based employees and remote workers. He cited an example of a worker being offered a job but because he would be working from home or hub, the salary “was dropped by almost €9,000 per year from what others were getting for doing the exact same work because he was not going to have to go to Dublin for the job.”