

Telecommuting, Hybrid, & Remote Work Policy



Letting employees work from home or other remote location, whether on a full-time or hybrid basis, offers significant benefits, like lower overhead, equipment, and other costs, the capacity to utilize talent from just about any location, and advantages in recruiting. But it also creates a host of legal challenges, including liability for constructive dismissal if you unilaterally decide to change the arrangement and require the employee to return to the office. Remote work arrangements can also get you into trouble under Occupational Health and Safety (OHS), privacy, human rights, and other laws. Other potential headaches include heightened risk of cyberattack, weakened data security, and reduced productivity.

The starting point is to recognize that working remotely is a privilege, not a right. It exists not because the laws demand it but because employers allow it. **Bottom Line:** Employers hold the cards in determining whether remote work is allowed and subject to which conditions. When employers get into trouble, it's because they fritter away this control by making tacit, verbal, and haphazard agreements with individual employees that they can't later undo.

Solution: Get ahead of the issue by establishing clear, fair, and consistent rules governing all remote work arrangements at your company, starting with the requirement that each agreement must be approved in writing in accordance with specific criteria and reserving the company's right to terminate the arrangement at any time. Here's a template you can adapt to create an effective policy for your organization.

REMOTE, HYBRID WORK, & TELECOMMUTING POLICY

1. POLICY

ABC Company recognizes that entering into telecommuting, hybrid, and other remote work arrangements allowing employees to work away from the office, either full-time or for a few a few days a week or other hybrid basis (collectively referred to in this Policy as "remote work") promotes operational flexibility productivity, and work-life balance. At the same time, remote work creates unique operational, legal, occupational health and safety (OHS), information security, privacy, and other challenges. Accordingly, employees are expected to report to ABC Company facilities to perform their jobs unless they apply for and receive express permission from the

Company to work from home or another remote location in accordance with the terms of this Policy.

Remote Work Is a Privilege, Not a Right.

2. PURPOSE

The purpose of this Policy is to establish clear, fair, and consistent requirements, conditions, and processes for approving, implementing, managing, and terminating remote work arrangements. Arrangements that don't meet these standards will be deemed invalid and subject to immediate termination.

3. REMOTE WORK REQUIRES ADVANCE WRITTEN APPROVAL

Employees wishing to work remotely must submit the Remote Work Approval Form, a copy of which is attached as Appendix A to this Policy. The approval of any proposed remote work arrangement will be made on a case-by-case basis at the sole discretion of ABC Company management following the criteria set forth below. Such approval must be in writing; remote work arrangements based solely on oral approval will be deemed invalid and subject to immediate termination, regardless of which person(s) or position(s) in the Company furnished such oral approval. All departments must create and publish their approval criteria for remote work requests and periodically evaluate existing remote work arrangements to determine whether they meet the terms and conditions of this Policy and are contributing to the success of ABC Company.

4. CRITERIA FOR APPROVAL OF REMOTE WORK

Before approving remote work, whether for some or all of the regular workweek, all managers must ensure that the following conditions are met:

- The nature of the work is such that it may be feasibly and effectively performed from a remote location.
- The proposed remote work site must be the employee's home or other private location where work can be performed confidentially, privately, and productively rather than a coffee shop or other public place.
- Employees seeking approval must meet the performance criteria for remote work eligibility set out in *[list the source of criteria or the criteria themselves]* demonstrating their ability to work productively and independently from a remote location.
- Employees seeking approval have not been subject to recent discipline for confidentiality-related or other infractions casting doubt on their reliability or trustworthiness to work productively from a remote location.
- The employee's manager determines that the proposed remote work arrangement will not have an adverse impact on team collaboration, departmental operations, client service, product quality, or current business initiatives.
- An Information Technology (IT) Department representative determines that the proposed remote work arrangement doesn't entail undue cybersecurity risk and can be implemented using the Company's current technology.
- The OHS coordinator or other Company official responsible for workplace safety determines that the remote work arrangement can be implemented in a way that won't endanger the employee's or any other person's health and safety.

Managers who review remote work requests must notify and communicate their decision to the HR Department and submit the Manager's Remote Work Approval Form attached to this Policy as Appendix B.

5. INDIVIDUAL REMOTE WORK AGREEMENT REQUIRED

All employees who receive approval to work remotely must enter into a written Remote Work Agreement setting out the terms of the arrangement, including, at a minimum:

- A statement acknowledging ABC Company's right, at its sole discretion, to terminate the remote work arrangement and require the employee to return to the office at any time.
- The duration of the arrangement.
- The specific days the employee will work remotely.
- The specific days, the employee will come to the office to work, if any.
- The hours of work.
- Whether the arrangement is regular or episodic.
- The employee's duty to submit a weekly log documenting hours worked remotely.
- The remote work location.
- The remote work objectives and expected results.
- The employee's duty to notify the HR Department before moving to a different Canadian province or territory, or location outside Canada.
- The employee's duty to maintain reliable internet access and immediately notify their supervisor of prolonged outages or circumstances preventing them from working from the approved remote work location.
- The employee's responsibility to pay for internet, utilities, insurance, and other overhead costs associated with the remote location.
- Allocation of responsibility for paying for computers, printers, monitors, ergonomic chairs, sensors and other artificial intelligence (AI) paraphernalia, and other equipment.
- The employee's duty to report to another Company worksite or use an alternate approved location, if required.
- The employee's duty to cooperate with the OHS coordinator to ensure the remote work location is safe, healthy, and compliant with regulatory standards, as specified in Section 8 below.
- The employee's duty to ensure that use of the home or other remote location for the purposes of the Remote Work Agreement complies with all municipal zoning and other applicable local laws, as well as the terms of the employee's residential lease, if applicable.
- The employee's duty to comply with the Agreement, applicable laws, and ABC Company privacy, confidentiality, and other policies.

6. COMPUTER EQUIPMENT, TECHNOLOGY & DATA SECURITY

The selection of appropriate equipment and electronic network requirements for a particular remote work arrangement will be decided on a case-by-case basis and written into the Remote Work Agreement before the arrangement takes effect. Such terms shall address information security issues and protocols, which may include (without limitation) any or all of the following:

- Multifactor authentication
- VPN requirements
- Password manager
- Locking screens
- Wi-Fi security
- Employee's duty to use Company-furnished supplies, equipment, technology, and electronic networks, including telephones, computers, laptops, and other personal devices, for work-related purposes only unless otherwise authorized in writing by the supervisor.
- Prohibitions against use of the above Company-supplied materials by family members or other third parties.
- Prohibition against storing confidential documents on personal cloud accounts.
- Requirements for destroying printed confidential material.

- Requirements for reporting lost or stolen devices immediately.
- Prohibition against inputting confidential, proprietary or personal information into publicly available generative AI systems unless specifically authorized by the Company.

7. REMOTE WORK ACCOUNTABILITY & MONITORING

ABC Company also reserves the right to conduct evaluations of remote work arrangements on a periodic basis as it sees fit. In consideration for being allowed to work remotely, employees acknowledge and agree that ABC Company may use software applications and other forms of monitoring technology in accordance with the terms and requirements set forth in the Company's Electronic Monitoring Policy. ABC Company will collect only the minimum amount and type of information it reasonably needs to accomplish the purposes set forth in said Policy and will keep such information confidential.

8. REMOTE WORK SITE SAFETY

Employees who receive approval to work remotely are responsible for working safely and ensuring that the remote site is safe, healthy, and compliant with OHS and other applicable laws and standards. ABC Company reserves the right to deny an employee the opportunity to work remotely or revoke an existing remote work arrangement with an employee for failure to comply with the health and safety obligations set forth below.

Home Workspace Hazard Assessment

Employees must designate an area or room where they intend to establish and maintain their workspace. ABC Company must approve the designated workspace as part of the process for approving the remote work arrangement. Such approval will be granted only if the employee or a qualified Company representative completes a Home Workspace Hazard Assessment Inspection Checklist (attached to this Policy as Attachment A) to verify that it is:

- Appropriate for the work
- Well lit
- Properly ventilated
- Free of obstructions and trip and fall hazards
- Equipped with appropriate first aid supplies and equipment
- Free of mould, biohazards, and other hazardous materials
- Free of electrical hazards
- Secure
- Ergonomically safe
- Compliant with fire and building codes.

The above hazard assessment inspection will be performed via virtual technology, photographs, video, and/or employee certification. Company representatives will not enter the employee's home to perform physical inspections except where strictly necessary and with the employee's consent.

Safety Training

After a remote work arrangement is approved but before it begins, an ABC Company supervisor or other qualified person will train the employee how to work safely from home covering, at a minimum:

- Safe use of furnishings and equipment.
- Fire and electrical hazards.

- Hazardous products.
- Musculoskeletal injury and ergonomic safety.
- Hygiene and housekeeping.
- Mental health and stress.
- Workplace violence and harassment.
- Emergency evacuation and communications.
- Inspection and incident reporting procedures.

Failure to successfully complete this training will be grounds for revoking approval of the remote work arrangement.

8.3 Safety Inspections of Remote Site

After the remote work arrangement begins, the employee will each month *[or specify other frequency]* provide photos, videos, AI or virtual data, and/or self-certification documenting that the employee or another qualified person inspected the remote site addressing the issues specified in Section 8.1 and certifying that either: (i) the site passed inspection or (ii) problems were identified but have since been adequately corrected. ABC Company also reserves the right to have Company representatives perform physical site inspections after injuries, illnesses, incidents, complaints, or other indications that hazards may be present, as well as in response to significant changes to the workspace design, configuration, furnishings, equipment, conditions or uses.

8.4 Site Inspection Procedures

Any site inspections of the remote site carried out by Company personnel other than the employee will be performed with the employee's consent by a properly authorized ABC Company supervisor, member of the joint health and safety committee, or other representative following Company inspection protocols. The employee will receive at least 48 hours' notice of the inspection at a mutually agreeable time. The inspector will notify the employee of the inspection results and, if necessary, instruct the employee to take action to correct any health and safety problems. ABC Company reserves the right to perform follow-up inspections of the workspace to ensure identified problems are fixed and corrective measures properly implemented.

8.5 Consequences of Failed Inspections

The following will be grounds for immediate termination of the remote work arrangement:

- Repeated or significant health and safety violations.
- The employee's failure to implement the required corrective actions.
- The employee's obstruction of or unreasonable refusal to undergo inspection.

8.6 Emergency Evacuation & Communication

Remote employees must work with their supervisors to create an appropriate and effective emergency evacuation plan for the home workspace and test it successfully before the remote work arrangement begins. ABC Company will ensure that employees have radio, telephone, or other electronic communication equipment to call for help in case of an emergency. ABC Company will test the equipment and ensure the employee knows how to use it. Each side will furnish complete emergency contact information to the other.

Safe Work Procedures

Employees working remotely must follow safe work practices and maintain the remote

workspace in a safe condition, free from hazards. Where necessary, ABC Company will develop and implement a written procedure for checking the well-being of a remote worker that may include:

- Specification of required time intervals between checks.
- Procedures in case the remote employee cannot be contacted, including provisions for emergency rescue.
- Designation of a person responsible for establishing contact with the employee at predetermined intervals and recording the results in a log.
- The requirement that checks be performed at the end of the remote employee's shift.

8.8 Injury/Incident Reporting & Investigation

Employees who work remotely must promptly report any emergency or work-related injury, illness, or incident in their workspace to their supervisor just as they would if they were working at ABC Company facilities. Employees agree that ABC Company has a right to perform an immediate investigation at the home site where the injury or incident occurred in accordance with the Company's OHS Incident Investigation and Reporting policies and procedures.

9. Employee Right to Reasonable Accommodation

Nothing in this Policy is intended to supplant, replace, or limit the Company's duty under human rights legislation and other applicable laws to reasonably accommodate employees up to the point of undue hardship. Such accommodations may include allowing employees to work remotely. Such accommodations must be requested and approved in accordance with the standards and processes set forth in the Company's Reasonable Accommodation Policy.

10. TERMINATION OF REMOTE WORK ARRANGEMENT

ABC Company reserves the right to terminate a remote work arrangement at any time and for any reason, with reasonable notice to the employee. Upon termination of the remote work arrangement and/or the employee's employment, for any reason, employee must immediately return all files and equipment to the Company.

EMPLOYEE ACKNOWLEDGEMENT AND CONSENT

I hereby acknowledge that I have read and understood and consent to the collection, use, and disclosure of my personal information by ABC Company to monitor my health, safety and job performance as a condition for being permitted to work remotely as provided for in the ABC Company Remote Work Agreement.

Employee Name: _____ Date: _____

Signature: _____