



Laga Newsflash

Teleworking: popular but in need of clarification

Teleworking is an increasingly popular option for employees; however, one that also brings up several questions. What are the consequences, for both employer and employee? Can every employee telework on the job? In general, what is the legal framework?

Telework statistics

According to a recent study, at least a fifth of employees in Belgium telework.

The number of employee teleworking days varies:

- On average, 4 out of 10 employees telework one day a week;
- On average, 2 out of 10 employees telework two days a week;
- One third of employees telework sporadically.

Perhaps unsurprisingly, 9 out of 10 employees do their teleworking from home. In almost 30% of cases, employees choose to telework on Fridays, whereas approximately 23% opt for Wednesdays.

Avoiding the daily commute and an improved work-life balance are the main reasons for which employees choose to telework. In addition, teleworkers benefit from increased operational freedom and autonomy.

What is the legal framework?

Telework and working from home in general is strictly regulated by law.

For example, specific rules apply regarding the costs that a teleworker bears when teleworking:

- Parties should come to an agreement with respect to the costs.
- In general, the employer is legally obliged to pay the costs related to network connection and communication relating to telework activity. If employees use their own IT equipment, they are also entitled to the cost reimbursement related to the installation and operation of IT applications. If there is no agreement between the parties, the employee should claim (and prove) the effective costs borne.

A 2 July 2019 decision by the Labour Court of Brussels confirmed that a teleworker cannot claim the 10% lump sum cost reimbursement as provided by law for home workers. Indeed, it is clearly stipulated in the Employment Contracts Act that these rules are not applicable to teleworkers; the employee concerned was clearly a teleworker, given the use of information technology to execute the work from a home address.

New series of seminars | Invitation

In order to provide guidance and clarity regarding the telework and occasional telework rules, the Employment, pensions and benefits team is glad to invite participants for its next seminar series dedicated to this topic:

- Breakfast seminar in Ghent (in Dutch)
3 December 2019 | 8:30 am
Register
- Breakfast seminar in Antwerp (in Dutch)
4 December 2019 | 8:30 am
Register
- Lunch seminar in Zaventem (in English)
14 January 2020 | 12:30 pm
Register

For those unable to join, the team is readily available to assist with all questions regarding work from home, telework and occasional telework.

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