



Guide on Work From Home for Employers


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Key Topics Covered



- Do's and Don'ts for Employers in a Work From Home (“**WFH**”) scenario
- Things to be considered for WFH scenario
- Points to be covered in WFH policy
- Modifications in Employment contract (for future)
- Relevant Govt. Notifications

Do's & Don'ts for Employers in a WFH scenario

DO'S	DON'TS
Set clear expectations for remote workers - Written & verbal	Expect remote workers to be at their desks from 9 to 5
Make a plan for regular communication and keep employees engaged - one on one and at team level	Micromanage remote workers
Occasionally assess your WFH program for any changes	Neglect cyber security measures
Use of technology to monitor employees and keep everyone in loop	Using monitoring tools but not breaching privacy of employees
Motivate employees through different programs for e.g. employee recognition program.	Not updating company's website regularly



Things to be considered for WFH

- WFH policy should be in place at all times
- WFH depends on operation of organization - For e.g. Manufacturing enterprise will have different set of policy as compared to service enterprise
- Assessment as to the feasibility of IT infrastructure for WFH
- Whether employees have direct access to clients
- Different designations will demand different levels of scrutiny



Things to be considered for WFH

Cont...

- Digitization of relevant materials will make remote working easier
- Policy to be circulated by email and acknowledged by employees
- Declaration from employees regarding sensitive information/ office equipment
- WFH policy to be prepared in consonance with Company/ Staff Handbook and terms of employment
- WFH policy should be easily accessible and modification process should be simple

Points to be covered in WFH policy

- **Security and Data Protection** - Appropriate cyber security measures to be taken for protection of data including any sectoral guidelines issued by regulatory authorities
- **Communication** - Provision for allowing effective communication with work colleagues and external clients during working hours
- **Working hours** - Minimum working hours to be specified
- **Laying down code of conduct** - Including dress code for interaction with customers, clients via video conference



Points to be covered in WFH policy

Cont...

- Eligibility criteria for WFH in future and setting up procedure for approval of request
- **Equipment and Technology** - Necessary equipment should be provided & IT support for smooth functioning of work and convenience
- **Procedure for redressal of employee grievances** - Detailed procedure to address & solve employee grievances even during WFH



Points to be covered in WFH policy

Cont...

- **Procedure for new recruitment** - Adoption of virtual screening process, video conferencing, telecommunication applications etc.
- **Procedure for exit of an employee** - Non-disclosure agreements, confidentiality agreements etc. to be digitally signed
- **Performance track system** - Monitoring work performance of an employee using monitoring tools
- Company Policy w.r.t. to Prevention of Sexual Harassment to be part of WFH policy
- Costs & expenses and compensation & benefits provided to employees during WFH to be clearly specified
- Circumstances/scenarios in which company will allow WFH to be specified

Modifications in employment contract (for future)

- Provisions for leave and pay entitlement
- Provisions wherein an employer can terminate contract/lay off employee
 - Due to certain unforeseeable circumstances
 - when there is disruption at work
- Clauses in relation to teleworking
- Clauses in relation to binding nature of Company Handbook/
Policies and flexibility of
amendment/changes



Relevant Govt. Notifications

Circular of Ministry of Labour and Employment dated 20.03.2020 - Advising all employers of public/private establishments to not terminate their employees, particularly casual or contract workers from job or reduce their wages

Letter of Comm. of Labour of Maharashtra dated 20.03.2020 - To officers in the labour department to direct/advise employers of private and public sector establishments *interalia* to refrain from reducing their wages

Ministry of Labour and Employment letter dated 20.03.2020 - Directed Chief Secretaries of States/UTs to issue advisories to employers of Public/ Private establishments in their state to not terminate their employees, particularly casual or contractual workers from jobs or reduce their pay

Relevant Govt. Notifications

Cont...

Ministry of Labour and Employment Letter dated 23.03.2020 - Directed Secretary, MHUA to issue advisories to employers of Public/ Private establishments under their ministry to not terminate their employees, particularly casual or contractual workers from jobs or reduce their pay

Notification issued by MHA dated 29.03.2020 - To all state govts. & departments requiring employers of all industries, shops & establishments to pay wages to all workers during period of lockdown

Resolution of Govt. of Maharashtra, Industries, Energy and Labour Dept. dated 31.03.2020 in respect of restrictions on salary deduction

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Parties should take independent legal advice prior to undertaking
any venture in this regard*



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