

EMPLOYMENT

Hybrid working and the 'death of the office': *the future of the post-pandemic workplace*

The COVID-19 pandemic may have generated widespread uncertainty but as we emerge from lockdown, one thing is clear – the workplace landscape is changing.

The Government's 'work from home' message forced employers to abruptly implement home-working. As a result both employers and employees realised different benefits attributable to home-working such as greater flexibility, no commute and a reduction in overhead costs. However, the drawbacks of full-time home-working such as, lack of face-to-face interaction, removal of the distinction between work and home life and decreased oversight of employee productivity, also became apparent.

Certain commentators have suggested this means the 'death of the office' – but that is premature given the need to transition working practices to accommodate training, supervision and efficiency in this 'new' model. However, what all commentators do agree on is that a blend, in the form of 'hybrid working', is set to become the new working practice.

5 MIN READ

What is hybrid working?

Hybrid working is essentially a blend of home and office work. For example, organisations could operate a 10 day rota whereby employees are in the office 3 days one week and 2 days the following week.

There is a common misconception that hybrid working is simply a form of flexible working, but that is a dangerous leap to make. Flexible working is employee led and dealt with on an individual basis, whereas a hybrid working model can be employer mandated (albeit with employee consent). However, organisations that introduce a hybrid working model must continue to permit statutory flexible working requests to be made.

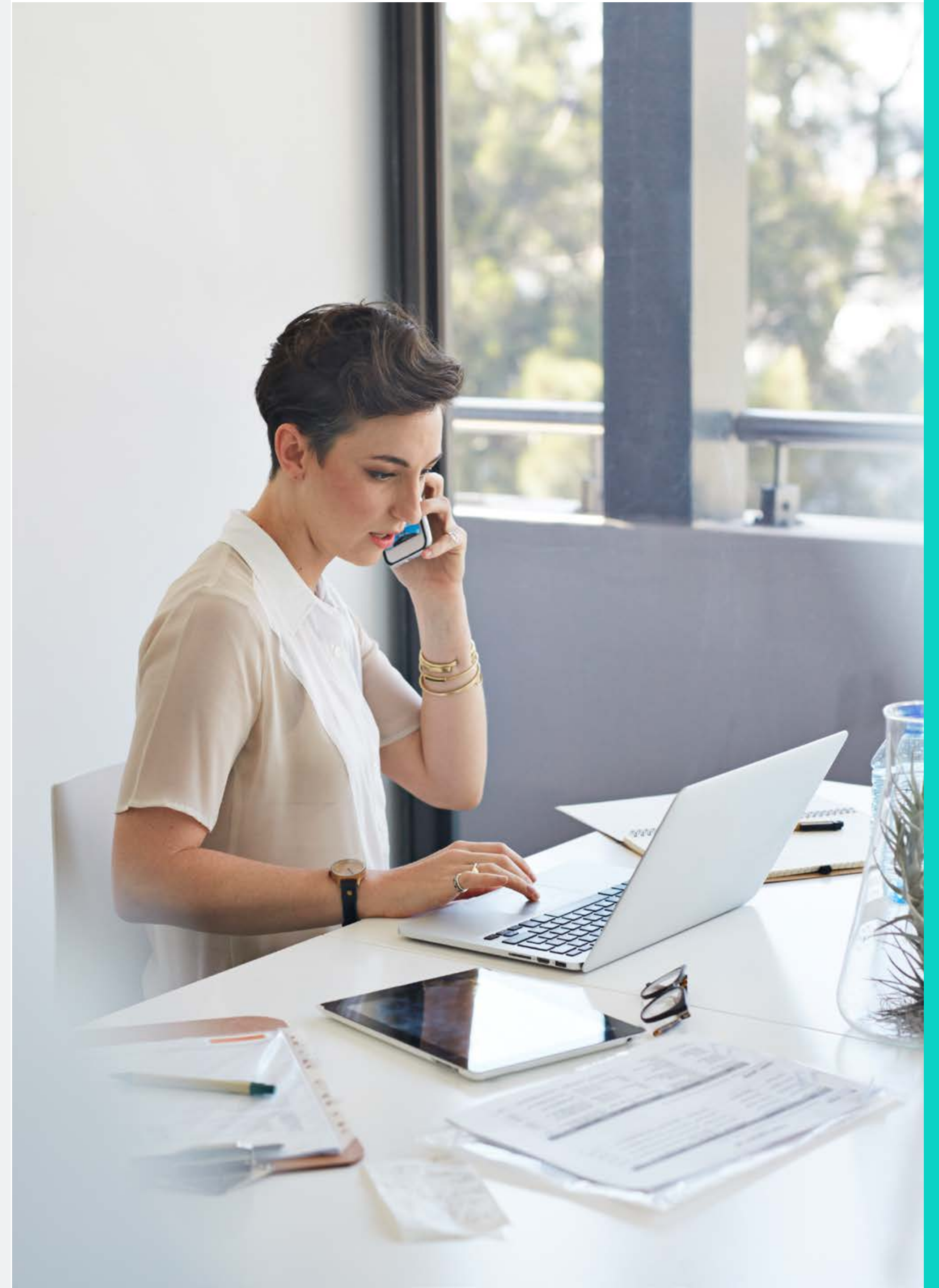
There is no one-size-fits all approach when it comes to managing a return to the workplace. Smaller organisations may choose to deal with individual flexible working requests on an ad-hoc basis rather than implementing a business-wide hybrid working arrangement. By contrast, larger organisations are leading with a consultative exercise in advance of a hybrid launch.

Flexible working

- Employee led
- Employer approved
- Statutory eligibility requirements
- Case-by-case basis

Hybrid working

- Employer mandated
- Workforce consultation
- Employee consent
- Formal hybrid-working policy / guidelines
- Fixed and fluid trial period



Key considerations

Although your organisation may have successfully operated an informal hybrid working arrangement in the interceding periods between lockdowns, a formal move to hybrid working being an employer mandated model, would constitute a change to employees' terms and conditions of employment. This means that you will have to discuss and agree the move to hybrid working with affected employees. It will also be prudent to consider implementing both a trial period and the ability to end or modify the hybrid arrangement if it is unsuccessful either corporately or individually.

Your organisation will also have to consider the specific method for documenting hybrid working. It may wish to draft a stand-alone hybrid working policy that would set out the specific workings of the blend of home and office work along with key areas that will be impacted by the hybrid arrangement. Alternatively, it may prefer to have a more informal hybrid working guidance document that cross-refers to existing employment policies.

Considerations

Some of the key employment areas that will need to be considered in the context of hybrid working are:



Data security and confidentiality



IT systems and equipment



Health and safety



Taxation



Cross-border employees



Working time



Expenses (broadband, electric, domestic rates)



Employee-engagement and wellbeing



Performance management



Insurance



Selection criteria/eligibility



Practical guidance for organisations

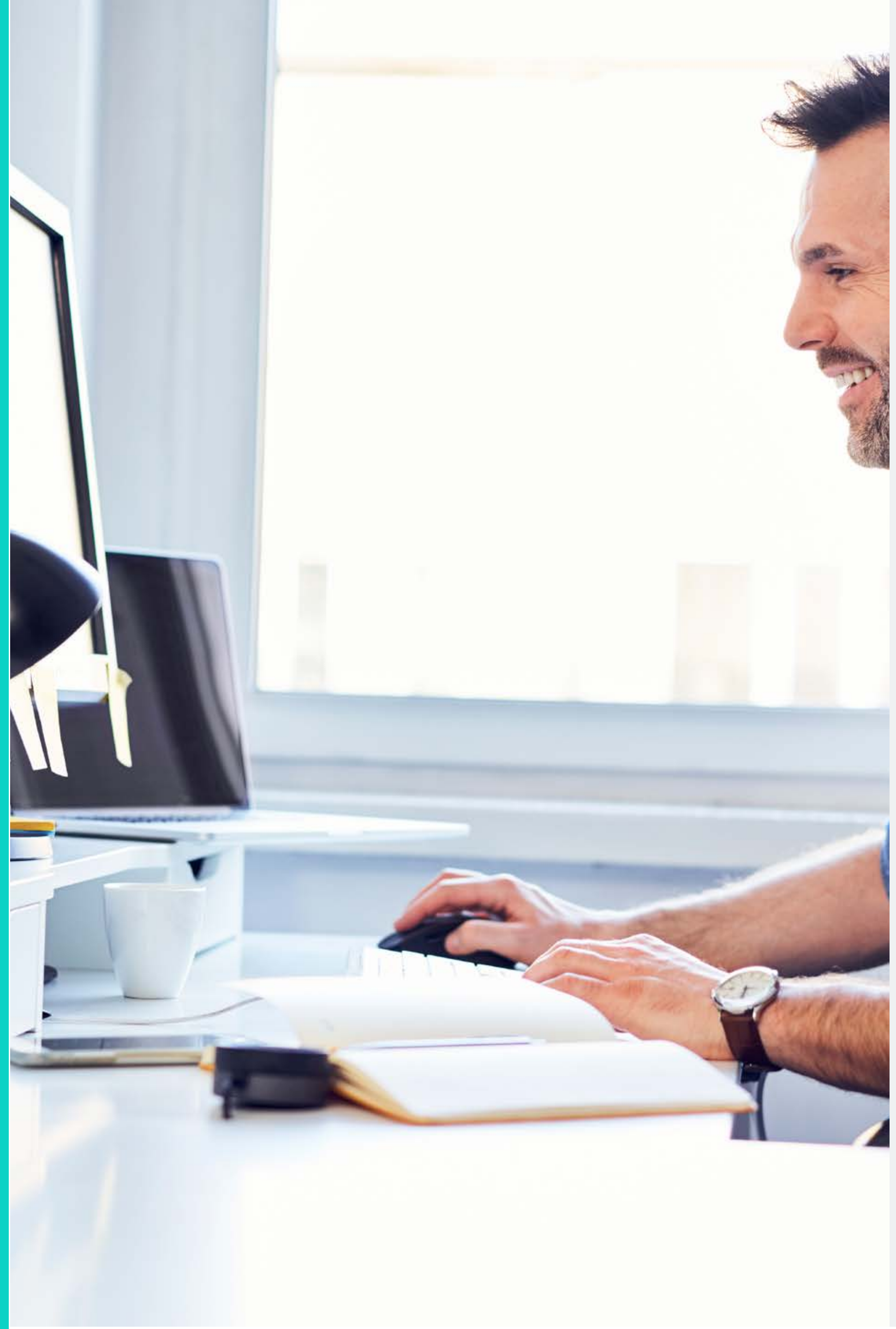
For hybrid working to function effectively, organisations should:

- Start preparations for a hybrid working model in good time
- Decide if there will be a trial or transition period
- Encourage open dialogue with employees so that they can give feedback and highlight any concerns (e.g. via informal discussion forums)
- Consult with employees, employee representative bodies and recognised Unions (if relevant) in relation to how a proposed hybrid-working model would operate
- Decide whether a formal stand-alone hybrid working policy is required
- Consider the impact on, or interplay with, existing employment policies, and
- Keep an eye on legislative developments in this area, particularly when drafting guidelines and/or policies.

This is a challenging yet exciting time for organisations. It is a chance to reshape working practices to create, or maintain, an efficient and engaged workforce.

Webinar

Hybrid working impacts all sides of the employment equation and warrants collaborative discussion. Therefore, we invite you to continue the conversation and join us on **Wednesday 9 June at 9.30am** for an interactive webinar on '*Hybrid working and the future of the post-pandemic workplace*'.



Key contacts

If you have any questions or need advice following this latest update, please do not hesitate to contact Gareth Walls, Partner or any other member of the ALG Belfast Employment team.



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