

Right to Request a Remote Working Arrangement

Public consultation

The logo for FORSÅ features a red chevron pointing right above the word "FORSÅ" in a bold, white, sans-serif font.

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How to respond to the consultation

- Online survey [**employees option** & *all other respondents option*]
- Available on the Department of Enterprise Trade and Employment website:
 - <https://enterprise.gov.ie/en/consultations/public-consultation-on-the-review-of-the-operation-of-the-right-to-request-remote-working-legislation.html>
- **Deadline 3pm on Tuesday, 9 December 2025.**

Background

- **Work Life Balance Act 2023**
 - to recognise the importance of family life and support employees to achieve a better balance between personal lives and work lives.

Right to request a remote working arrangement

- Enacted March 2024
- All workers have a legal right to **request** a remote working arrangement

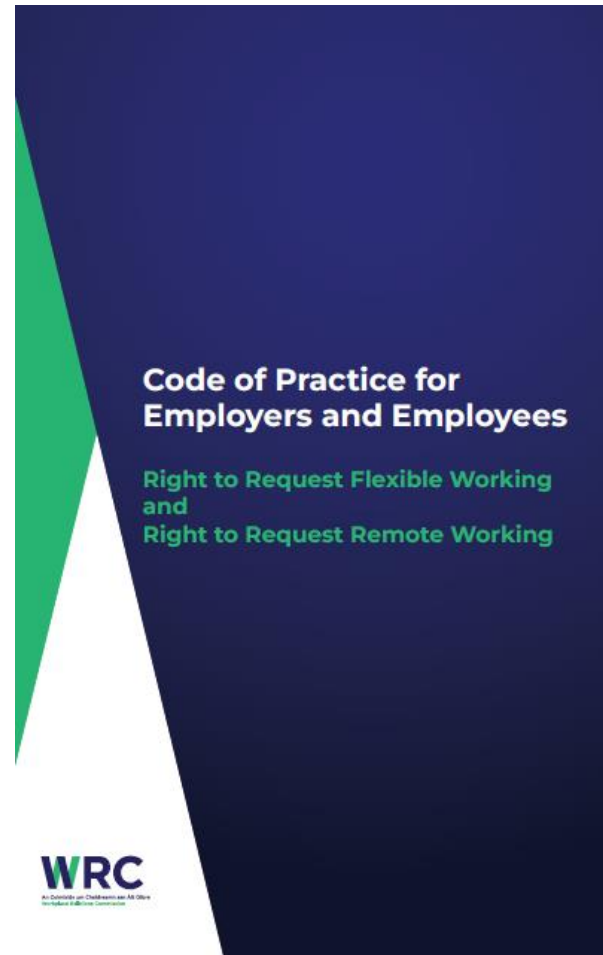


What does the law do and not do?

- **Provides a legal right to REQUEST a remote working arrangement**
 - It does not provide a right to remote work
- **It sets down in law a procedure for requests and refusals**
 - If this is not followed, an employee can make a complaint to the WRC
- **The WRC cannot make judgement on the merits of a refusal**
 - It can only make judgement on whether the correct procedure was followed

Code of Practice

Guidance to employers and employees in relation to how requests for remote working arrangements are made and handled.



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Code of Practice – weakened by vague language

- Code of Practice requires only that an employer *“refuse the request by written notice informing the employee that the request has been refused and the reasons for the refusal”* (p.17).
 - Does not require evidence or standards of proof.
 - Gives cover for an employer to state **‘business needs’** as reason for a refusal without.
- An employer is not required to show how remote work is or would negatively impact the business **or** how reducing access to remote work would solve existing issues
 - (same with the grounds for terminating a remote working arrangement – *“any other matters relevant to the substantial adverse effect on the operation of the employer’s business, profession or occupation”* (p.19 of the Code).

Survey guidance



Initial survey questions

- Describe your working arrangement (remote, on-site, hybrid, etc.)
- Describe your workplace (no. of employees, sector, etc.)
- Awareness and familiarity with the law, the Code of Practice, and the processes involved
- Have you formally requested a RW arrangement (linked questions depending on answer)

Refusals - An employer is legally required to

- Provide the reasons for the refusal in writing
- Offer an alternative arrangement
- Consult with the employee's trade union (where applicable)
- Prove that the refusal would not be discriminatory
- Respond to the request within a specific timeframe
- None of these
- Don't Know/ Unsure

The legislation is not fair or balanced

- Employees are disadvantaged from the outset
- Employer can refuse the request without having to show the refusal is fair, with merit, reasonable or evidence-based.
- The WRC has no powers to examine the reasons for refusal.
- One party (the employer) is always able to enter the process with guaranteed control over the outcome.
- No incentive to enter the process in good faith.

Strengths and weaknesses

- Limitations of the legislation
- Unfair balance of power with employers
- Absence of WRC powers to examine whether employer considered the request in a balanced and fair way
- No onus on employer to **adequately** refer to the Code of Practice's suggested list of considerations when refusing a request.
 - Employer should have to cite the **specific** business needs rather than vaguely refer to such needs.

To what extent do you believe the legislation protects employees from being penalised for making a request

- Compensation for a breach of the Act is **up to 4 weeks' pay**.
- Financial penalties for employers in breach of the law should be **increased** in order to adequately protect workers against penalisation.

What, if any, additional guidance or support would help employees or employers to navigate this legislation more effectively?

- The legislation as it currently exists is useless and provides no additional meaningful rights to employees.
- Additional guidance means nothing unless it has statutory grounds and refusals can be appealed on the basis that they are unjustified.

If you could make one change to improve the current process for requesting remote work, what would it be?

- Require employers to describe specific reasons for refusal beyond “business needs” and provide proof of impact **and** allow the WRC to examine whether the request was objectively considered and whether the refusal was reasonable and justified.

[i.e. Grant WRC powers to examine the merits of refusals]

Other comments on the legislation

- The law is unfairly balanced towards employers.
- Allow appeals to the WRC on the grounds that the refusal was unreasonable or was not objectively justified. At present, the law only allows for a complaint to the WRC on technical grounds, such as a late response. It does not allow the employee to appeal the reason for refusing the request. This significantly impairs the usefulness and effectiveness of the legislation. An appeal to the WRC taking issue with the substantive decision of the employer must be provided.
- Better protections needed to protect employees from penalisation for making a request (increased penalties for a breach).
- Require employer to meet with employee and union rep within 2 weeks of a request to discuss the best arrangement (if not approving outright)

Thank you for your attendance.

Survey link will be emailed to attendees.

Slides will be shared.

Questions to campaigns@forsa.ie





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Thank you.

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