

Performance of work outside the employer's workplace

Abstract

Shift to performance of work outside the employer's premises is a long-term trend supported by the development of modern technology that allows communication and access to information from anywhere. Even though the shift to remote work was slower than originally expected, measures taken in relation to covid-19 pandemic more than made up for this slower adoption. The circumstances forced a number of employers, wanting to preserve the continuity of work, to adopt remote working and to set up, in relatively short time span, internal conditions for this form of work. The goal of this diploma thesis is to evaluate the existing legal framework governing work outside the employer's workplace, highlight problematic areas and outline possible future developments.

The thesis is divided into four sections that are further split into chapters and individual articles. The first section is dedicated to defining the terms used in relation with the concept of work outside the employer's workplace and placing it in context of typical, atypical and flexible work arrangements and flexible forms of performance of work. Second section deals with current legislation in the Czech Republic and relevant international documents. Third section investigates problematic aspects of the current legislation and offers recommendations to employers. Following fourth section is dedicated to discussing the possibilities of regulation of work outside the employer's premises and outlines various options of possible legislation amendments.

In the thesis I arrive at the conclusion that the present legal framework regulating work outside the employer's workplace is insufficient. Among others the absence of recognition of specifics of remote work in the area of occupational safety and health can be highlighted as the most significant issue. Current legislation also fails to recognize remote work performed by employees with working hours determined by employer, a situation widely known as the home office.

Legal framework of work outside the employer's workplace needs extensive and conceptual amendments or rework. A general framework for remote work supplemented by special regime for employees that determine their own working hours and accompanied by amendments in the area of occupational hazard and safety and other problematic areas could be a basis for such future rework.

Key words: work outside the employer's workplace, remote work, home working