Workshop #2

Legal Aspects of New Way of Working in Public Administration

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Outline

- Introduction
- Three selected legal issues of flexible work
  - Temporal flexibility: absences during flexitime
  - On call times around the clock
  - Spatial flexibility
- Groupwork
  - National experiences
  - Possible solutions
Topic 1: Absences during flexitime

- Flexitime model:
  - Bandwith: 07:00 am – 20:00 pm
  - Core time: 09:00 am – 12:00 am and 14:00 – 16:00
  - Weekly working time of 40 hours, reference period of one year

- Employee is ill/has to appear in court
  - Employee starts at 8 am, gets sick during work and leaves at 14:00
  - Employee has to appear in court at 8 and only comes to work at 11 am
Topic 2: On call-times and working around the clock

- Employee is provided with a service mobile phone by the employer and is allowed to also use it privately.

- Different cases
  - Superior sends an email at 20 pm and employee answers it from home in the evening (duration: 1 hour).
  - Employee answers his mails from home between 22 pm and 24 pm because she did not find any time to do this during the day.
  - Employee does a couple of phone calls driving his car on the way to work in the morning.
Topic 3: Home office - health & safety

- Employee works remotely from home each Friday
- Who is responsible for compliance with health & safety legislation?
  - Applicable rules? Alteration by agreement?
  - Employer or employee responsibility?
  - Provision of computers, furniture ...
  - Enforcement: may the employer/the labour inspector check the employee's home for compliance with health & safety legislation?
Thank you for your participation!

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