

Work From Home

Abstract

The thesis deals with the current institute of labor law, which is working from home. The aim of this thesis is to explain the basic concepts, to summarize the past and current legislation, to analyze the main shortcomings of the current legislation and problematic points of homeworking, and to propose further direction of the legislation through *de lege ferenda* considerations. In particular, the main idea of the thesis is to present considerations to remedy the deficiencies of the current legislation.

The overall structure of this thesis is composed of four parts. The first section discusses basic concepts such as working from home, working away from the employer's workplace, *home office*, *homeworking* and *teleworking*. Furthermore, this section is focused on the development of the legal regulation of homeworking, not only in the Labor Code, and the international and EU context. The second part examines the current legal regulation of working from home, more precisely working away from the employer's workplace, i.e. the provisions of Section 317 of the Labor Code. The individual defining features are addressed, including the employee's self-scheduling of working hours and the exclusion of wage compensation for other major personal obstacles, overtime and public holidays. This section is concerned with the problems of interpretation and application, which consist, in particular, in the incomplete regulation of wage compensation and supplements in specified cases and the confusing regulation of overtime pay. The third part identifies the main problematic areas of working from home, which include the provision of OSH, recording of working hours, employee control and reimbursement of costs. In addition, this section summarizes the main reasons for amending the legislation. The last part is devoted to *de lege ferenda* considerations, where the findings from the Slovak Labor Code and from the not yet adopted amendments to the Labor Code concerning the performance of work outside the employer's workplace are reflected. The selected reflections are divided into five areas, which are the establishment and termination of homeworking, the organization of work, reimbursement of costs, OHS, general liability for damages and the unilateral order of homeworking by the employer.

Key words

Homeworking, work from home, health and safety protection at work, home employee, labour code, flexible working, flexibility, work work from home without the employee's consent.