

The New Employment Relationship

The introduction of the concept of home or remote working has brought about a change to the structure of employment relationship. It has brought about a shift from the traditional workplace, where employees once worked directly under supervisory management. This shift in arrangement does empower the employee to take a greater level of responsibility and discipline, as it pertains to time management and productivity.

Under remote work, the employment relationship is subject to change and can do so in the instance where the employee becomes an independent contractor. A significant feature of the new employment relationship is to be found in changes which could come about in the selection and engagement of the employee; payment of wages; power of dismissal; and the employer's power to control the employee on the means and methods by which the work is accomplished. The jury may yet be divided as to whether this is a good thing for the employer or it is an advantage to the employee.

The legal link between employers and employees would be a key element of the employment relationship. This is the process that defines the reciprocal rights and obligations which are created between the two parties. A good employer-employee relationship provides for a harmonious blending which contributes to economic growth and development, and leads to an increase in efficiency, higher levels of productivity and growth. As with traditional workplaces, it is important that employees are motivated, in order to give their best to the organization and/or enterprise. It is for this reason that the collective bargaining agreement becomes of prime importance, as the trade union as the workers' representative, undertakes to keep the employer accountable for their actions. The trade union ensures that good working conditions and safe working environment are provided and maintained. When the employee resorts to working from home, there are questions to be posed and answered as to the level of responsibility that the employer is required to assume.

In any employment relationship, the employer can be satisfied that they retain the right to hire and fire. Those who are transitioning from the traditional workplace to home working, may have the benefit of being trained or retained in developing new skills which may be required to meet the demands of the job. Those who are entering the

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workforce may not find themselves that fortunate, as they might be required to have the basic technological skills that are for the job.

There is available evidence which suggest that working remotely is being embraced amongst the global working population. For example, it is believed that in the year 2020, the number of employees working remotely in the United Kingdom, is set to rise to fifty percent. According to the US Bureau of Labour Statistics, more than 26 million people, representing approximately sixteen percent of the workforce, now work remotely or at least part of the time. It is understandable that the employment relationship stands to take on a new face if there is not an awareness of the need to develop and applying human resource management and employee relations processes, policies and procedures in governing the arrangements. It is imperative that there is an understanding that the relationship provides a foundation for the creation of employment and employee relations policies which includes the development of a climate of mutual trust.

It is inevitable that trade unions will not have some concerns about the developing new employment relationship. First and foremost, they must be concerned about the protection of workers' rights. This raises the question of the standing of trade unions in the workplace as they work to establish bargaining units and collective bargaining agreements. It is advisable that employees are forever mindful of the common law obligations of employers which include the duty to pay wages, provide suitable conditions of work, cooperate with the employee and exercise the duty of safeguarding the health and safety of the employee. Employees, in turn, are expected to cooperate with the employer, be faithful to the employer, and take reasonable care in performing their duties.

It is reasonable to conclude that a change in the employment relationship may appear to bring the employee a number of benefits that include flexible working hours and a positive work–life balance. It would appear that older workers and non-unionized workers are more likely become engaged in homeworking. However, if this trend becomes the norm amongst employees, trade unions may experience greater difficulties in the organization of workers.

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Labour Relations & Employee Relations Consultant: Regional Management
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