



Luxembourg sets out new legal regime for teleworking

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22 Feb 2021

A new legal regime for teleworking has been outlined in a regulation that took effect on 2 Feb 2021, and which implements the updated social partners' convention on teleworking finalized in October 2020. The prior framework was based on a 2006 convention that was not in line with current teleworking arrangements introduced to address the COVID-19 pandemic. The new regulation defines “occasional” and “regular” telework and excludes certain roles (such as sales representatives) and employees who work in coworking spaces, or who provide services at a customer's worksite.

Highlights

- “Occasional telework” is defined as less than 10% of a teleworker's normal annual working time, and all other teleworking arrangements are classified as “regular teleworking.”
- The employer and employee must both agree to teleworking, and the arrangements for regular teleworkers must be set out in writing, though occasional telework only requires a written confirmation (such as an email).
- An agreement on regular telework can be decided on with an individual employee, by a company agreement, or in a collective bargaining agreement. Certain employers have to consult with staff representatives, and might have to seek agreement to a telework policy. The agreement must include the location of telework (it no longer has to be the employee's home); the employee's work schedule; any compensation procedure for benefits employees would have received if they were at the employer's worksite; any fixed monthly payment by the employer to cover internet costs and other communication; the procedure for agreeing to overtime; and the process for returning to the employer's worksite.
- Employers must pay for and provide the necessary equipment to teleworkers.

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- All employees have the same right to disconnect from work, and teleworkers have the right to the same treatment as employees who work at the employer's workplace.
- Teleworkers can request the company's occupational health services to inspect their chosen place of work, but the employer does not have a right to carry out an on-site inspection.

Related resources

- [Regulation on teleworking](#) (French) (Official Journal, 22 Jan 2021)
- [Social partners agreement](#) (French) (Employer and trade union organizations, 20 Oct 2020)

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