



Remote Work Law

Remote work has been one of the emerging work models over the last couple of years. The pandemic forced undertakings to temporarily adopt this model in Cyprus and accelerated the discussion over its merits and vices. The inevitable return to the office post pandemic, saw an increasing number of employees desiring more flexibility with hybrid working models becoming prevalent. In response, the Cyprus Government established a law regulating remote work that introduces certain requirements, rights and obligations for employees working remotely. More specifically the Regulating of the Framework of Organisation of Remote Work Law of 2023 (L.120(I)/2023), was published on the Official Gazette of the Republic on 1/12/2023.

The law primarily defines remote work as employment based on technology, which can be carried out from any location - within or away from the employer's premises. This applies to full-time, part-time, or any other form of employment. The main provisions of the abovementioned legislation are summarised below:

Key Highlights of the New Legislation:	
Remote Work Nature:	Remote work is optional and to apply it must be agreed upon in writing by the employer and employee, either at the time of hiring, or via an amendment to the employment contract, or through a collective agreement.
Employer's Obligations:	<p>The employer is responsible for the additional costs incurred by the employee for remote work, which include equipment, telecommunication, use of the home office, and equipment maintenance.</p> <p>The minimum cost payable by the employer is to be determined by an Order issued by the Minister of Labour and Social Insurance.</p>
Employment Terms:	<p>Employers must inform employees in writing about the work conditions that differ due to remote work, including:</p> <ul style="list-style-type: none"> (a) the costs associated with remote work, (b) equipment usage, (c) any restrictions on the use of IT tools and equipment, (d) agreement as to the telework readiness of employees, (e) the risk and the protective and preventive measures relevant to remote work, (f) obligations as to confidentiality and protection of personal data, (g) performance evaluations, (h) the person to who the remote worker reports to, and (i) the right to disconnect.
Prohibition of Adverse Discrimination:	The law prohibits adverse discrimination against an employee who does not consent to remote work.
Equal Rights of Remote Employees:	Remote employees are entitled to the same rights and have the same obligations as comparable employees working at the employer's premises.
Right to Disconnect:	Remote working employees have the right to disconnect from electronic devices that are used to deliver services remotely.
Health and Safety:	Employers must take appropriate measures to ensure a remote-working employee's health and safety, including risk assessments and provision of necessary information and communication tools.
Performance Evaluation:	The employer must evaluate the employee's performance in a manner that respects their private life and protects their personal data.
Employee's Compensation:	All costs associated with remote work are deemed as deductible expenses for the employer. These costs are not considered as remuneration, hence they are not subject to any tax or fee.

Undertakings considering the provision of or currently providing fully remote work or hybrid work options, must undertake an exercise to analyse the degree of compliance of their current agreements and policies with the requirements of the law and procure the drafting or amending of necessary documentation.

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