

Guidelines for Teleworking in the Danish State

Table of contents

Foreword	7
Introduction	9
Part 1. Guidelines for teleworking	11
1.1. Definition of teleworking	13
1.2. The pros and cons	13
1.3. Organisation	15
1.4. What types of work are suitable to teleworking?	16
1.5. Social and professional contact to the workplace	17
1.6. Volunteering, right to return and equipment	17
1.7. Wages and terms of employment	18
1.8. Working hours	19
1.9. Local and individual agreements	23
1.10. Reimbursement of expenses etc.	24
1.11. Trade union representatives	25
1.12. Assessments	25
Part 2. Legislation with an effect on teleworking	27
2.1. Teleworking and taxation	29
2.2. Insurance and compensation rights in relation to teleworking	31
2.3. The working environment and configuration of the workplace at home	
2.4. Rules and regulations on data protection and confidentiality	34
Appendix 1	
Circular on the framework agreement for teleworking	39

Foreword

The rapid growth of communication technology has given rise to new ways of organising work. Within government we call this teleworking, by which we mean IT based work that is performed away from the main workplace.

Used correctly, teleworking can provide a number of advantages to employee and employer. In certain circumstances, it can allow the worker to plan his or her working day so it fits around the family's daily routine, thus creating a better relationship between work and family life. It also means that work can be done when motivation is highest, providing the employer with more flexible and efficient workers.

During wage negotiations in 1997, the government and negotiating parties agreed to the definition of a framework agreement on teleworking. The idea of the draft is to provide a good foundation for the establishment of teleworking jobs within state institutions. The framework agreement is a provisional scheme that terminates on the 31st of March 2001, and covers teleworking that has a given repetitive character and that takes place within a proportion of the agreed working hours.

We recommend trials with teleworking where deemed desirable. For many of the state's institutions, the introduction of teleworking will be something totally new and will require close co-operation and a fresh approach in order to maintain such aspects as social contact to the workplace, the delegation and exchange of tasks and information to the teleworker. We hope that a number of constructive and rewarding experiments will begin across a number of individual workplaces, to the benefit of both the employee and the institution.

For many, teleworking can be the future way of working. We look forward to the time when the rewards can be reaped in the form of results and experience of the opportunities offered by technology for the state's workplaces.

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Minister of Finance

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Introduction

By introducing the framework agreement for teleworking, the Ministry of Finance and the Danish Central Federation of State Employees' Organisations have tried to give state workplaces a tool with which to initiate teleworking trials. The framework agreement is the result of the 1997 round of collective bargainings.

As a follow-up, the government and negotiating parties have jointly prepared these guidelines.

What does the framework agreement involve, and when should it be used?

The framework agreement involves teleworking, where an employee can choose to work remote from the main workplace and his/her employer, and where the work performed is of a repetitive nature and only occupies a part of the agreed working hours. Other forms of homeworking, which may involve the employee using a PC on an occasional basis at home for a given task, do not fall within the framework agreement and can thus continue independent of the scheme.

What does the framework agreement entail?

The framework agreement includes definitions of the area it encompasses, a definition of teleworking itself and how it must follow the relevant rules and agreements for wages and terms of employment. It allows the deviations from working hours rules (subject to agreement) and it should be supplemented by local and individual agreements and contracts.

What do the guidelines cover?

The guidelines have been written with a view to providing the management and the representative organisation or individual employee with an instrument to facilitate the setting-up of teleworking jobs at the local level / locally. The guidelines describe some of the aspects and rules that must be taken into consideration when establishing teleworking jobs.

The guidelines are in two parts:

Part 1 includes a definition of the following:

- Definition of teleworking
- The pros and cons of teleworking
- Organisation
- What types of work are suitable to teleworking?
- Social and professional contact to the workplace
- Volunteering, right to return and equipment
- Wages and terms of employment
- Working hours
- Local and individual agreements
- Reimbursement of expenses etc.
- Trade union representatives
- Assessments

Part 2 contains a description of the relevant legislation concerning taxation, insurance, compensation, working environment and rules and regulations on data protection.

The guidelines should be perceived as 'inspirational' rather than providing all the answers to the questions that arise when establishing teleworking jobs. That is one of the reasons why there is reference to the relevant authorities on legislation that has an effect on teleworking in Part 2.

Part 1.

Guidelines for teleworking

1.1. Definition of teleworking

Teleworking is work that can be performed at some other place than the traditional workplace, usually at the home of the employee. For the framework agreement, teleworking will entail work that can be performed on a PC with a telecommunication link to the workplace, making the transmission of data possible. The type of work to be performed must be of a repetitive character in order to be covered by the scheme and can only be undertaken within a proportion of the agreed working hours.

1.2. The pros and cons

A teleworking scheme is similar in concept to other personnel initiatives, in that it is aimed at creating an attractive workplace. The establishment of teleworking jobs means that the foundations are laid for employees to independently plan their work, giving them an increased degree of influence and responsibility for its completion.

The pros and cons of teleworking are far from clear, but a number of aspects indicate that one of the advantages is that the employee can to a great extent plan his/her own working day in order to fit in with the family. If teleworking is organised sensibly, it can help create a better relationship between family and work. However, there is a fine balance. Teleworking can also mean that the borders between family and work become less well defined, making it difficult to decide what is work and what is leisure.

Teleworking increases the employee's mobility and allows the employer to recruit qualified personnel from a much wider geographical area.

Assessments of the experiences gained from teleworking by such bodies as the National Board of Industrial Injuries¹ indicate that employees see teleworking in a very positive light, because it allows concentration and greater depth. When tackling a complicated case, long periods of peace and quiet, without interruptions can be very important, allowing more concentrated and focused work. It also means greater productivity and efficiency, as the same studies revealed.

Teleworkers are not as visible as their colleagues who are in daily contact with their superiors. Management must therefore make a conscious effort not to "forget" those employees engaged in teleworking who are not physically present at the workplace. This applies to such aspects as planning training and career progression.

Annual personnel interviews could be one way of ensuring that teleworkers are given the same consideration to gain new qualifications as other employees. The dialogue between the employee and immediate superior can be used to evaluate the need for training and to plan

¹ "A workplace in Denmark – external assessment of a pilot scheme for home workers at the National Board of Industrial Injuries" – Andersen Management International A/S, June 1997.

career progression. If the employer uses these formal interviews for planning training needs, then the opportunities for training need not be dependent on where the work is done.

In conclusion, teleworking offers a range of advantages to both employee and the institution providing the employment. As far as the employee is concerned, the advantages can include:

- Improved relationship between family and work
- Greater flexibility and independence to organise workflow
- Greater independence in approach to getting the work done
- Better circumstances for working in more depth and with greater concentration
- Decreased commuting time

As far as the employing institution is concerned, the advantages can include:

- Greater flexibility
- Increased productivity and efficiency
- Increased job satisfaction
- Retaining and attracting qualified workers

1.3. Organisation

Before deciding to establish teleworking jobs, the consequences of how to organise the work should be considered. It is for example necessary to find methods of allocating work and tasks. The same applies to the exchange of general information, as it is vital that all employees can take place in professional discussions.

Consideration should also be given to how the execution of work is organised when the actual presence of the worker at the workplace is reduced. This also provides a good occasion for a systematic review and assessment of working methods. The earlier mentioned pilot schemes showed that a condition for the successful introduction of electronic working is a thorough analysis of current internal working procedures. Plans for the introduction of new work organisation and distribution of work should therefore be in place before teleworking jobs are created.

The correct approach to the technological aspect of teleworking is important as productivity and performance will depend on the capacity and reliability of the communication system used. It will therefore be in the interests of both employer and employee to define how to handle situations in which the system is out of action.

The increased emphasis placed on result-oriented working within state institutions means that more attention is paid to the quality of the results than to the actual working process. Management's ability to control the working process will be replaced by assessment and quality assurance of the results. These criteria will also be applied to teleworking, as managers will not be able to control the amount of effort applied by an employee, but will have to fulfil their managerial duties through co-ordination and ensuring that the correct results are achieved on time and to the desired level of quality. The big challenge for management will be to retain relatively close contact with the teleworker on the one hand, making it possible to

provide guidance and feedback, and to retain an overview and be able to co-ordinate on the other.

1.4. What types of work are suitable to teleworking?

Teleworking lends itself naturally to work that can be performed remote from the physical location of the principal workplace. Such work will of course vary in nature from one institution to another, which means that it will be up to the two parties concerned in each case – employer and employee – to decide what that may entail for them.

Both parties should however be aware that the work to be performed by a teleworker must be relatively well-defined in terms of content, objectives and timescales, and that it can be done independently without suffering from the direct limited contact with the workplace.

Presuming that teleworking is relevant to the work to be undertaken, a number of qualifications required of a potential teleworker can be defined.

What are the qualities required of a teleworker?

- Independence
- Experience of the work involved
- Technological competence
- Professional skills
- Responsibility and commitment
- The ability to balance work and family life

The establishment of teleworking jobs also requires a number of management efforts, such as:

- To be able to define clear and understandable objectives
- To motivate and support teleworkers remote from the office
- To be able to communicate precisely and efficiently with the teleworker
- To be able to provide professional assistance

1.5. Social and professional contact to the workplace

Teleworking, as defined for the purposes of the framework agreement, is of a repetitive character. This means a working structure, within which teleworking is planned as an essential element.

The terms of the framework agreement state that teleworking can only occupy a part of the agreed working hours. This is to prevent teleworkers losing social and professional contact to their workplace, and to ensure that the "workplace culture", which in many ways is important for the creation of a good workplace, is retained and developed.

The aim of the framework agreement is supported by the experiences gained from pilot projects on teleworking, which showed that maintaining professional and social contacts to the workplace is one of the most important conditions for employees to perceive teleworking as a successful process.

In order to be able to retain the social and professional culture at the workplace when setting up teleworking jobs, the definition of norms for how this can be achieved is vital, e.g. through agreed communication channels.

1.6. Volunteering, right to return and equipment

The framework agreement and local agreements on teleworking are based on volunteers, mutual trust and the desire to use this type of working.

Where these factors are present, the will to try teleworking could be a criterion for the employment of new personnel, however consideration must also be given that teleworking requires special training and introduction into the culture of the workplace.

An individual agreement on teleworking between the institution and the employee can only be concluded if there is agreement on the terms thereof. The employer and employee may terminate their agreement on teleworking at any time, with prior notice. When teleworking is discontinued, whether as an individual case or a local agreement being terminated, the employee will be fully entitled to return to the main workplace.

The framework agreement specifies that the employer provides the necessary equipment for the teleworker's use.

1.7. Wages and terms of employment

The relevant national legislation governing terms of employment also applies to teleworking. For example, the Holiday Pay Act, the Salaried Employees Act and the Civil Servants Act.

Equally, wage and employment terms subject to joint pay settlements and organisation-specific agreements will apply.

Among other things this entails that national rules concerning sickness and absence in conjunction with a child's first sickday also apply to teleworking employees.

Finally, national rules concerning working conditions, including working hours and location, overtime, extra work etc., will also be applicable.

Because of the special nature of teleworking, the framework agreement makes provision for the possibility of local agreements on deviations from rules concerning working hours. These aspects are dealt with in more detail below.

1.8. Working hours

Teleworking and rules on working hours

The basis of the framework agreement is that the general working time rules apply, including those governing working hours and location, number of days off and rules for the compensation/payment of overtime and extra work etc.

Teleworking will usually imply that the working hours of a teleworker will not be subject to the same degree of control as when working in the institution, and that the employee will enjoy greater freedom to plan his/her working hours.

This increased freedom could on the other hand imply that certain benefits which the employee would otherwise be entitled to based on a job description defined by the employer cannot be provided as a result of the independent nature of teleworking. For example, shiftwork supplements (see examples listed at the end of this section) and overtime supplements, the size of which can depend on the point at which overtime is begun.

National rules governing working hours

The rules governing working hours are defined in the civil servants' working hours agreement and the individual pay settlements and organisation-specific agreements.

The application of the national rules governing working hours entails that employees must work the usual number of hours and that they must be compensated for working any additional hours according to accepted principals. In situations for which overtime payments would be made in a traditional job, the teleworker will also be entitled to compensation.

In what circumstances might there be need for suspension/supplementation of working hours rules?

Because of the special nature of teleworking in relation to the location of the work and control over working hours, the framework agreement will allow deviations from the general working time rules by local agreement.

The extent to which there may be a need to adjust rules on working hours on a local basis will depend on the set of rules which normally apply to the individual teleworker.

For such groups as those without maximum length of service and groups with extended norm periods with no specific rules on daily working hours, local agreements can often simply concentrate on aspects with direct relevance to local needs. For example, these could be defining the actual time the worker must be present and working at home, and laying down guidelines as to when he/she must be present at the office. The aim should be to supplement rather than suspend the rules on working hours. One example is the Danish Confederation of Professional Associations' agreement, under which there would normally be no need to negotiate deviations from working time rules in connection with teleworking.

However, if the relevant set of rules on working hours specifies only a short norm period, such as a day and/or specific terms for the location/organisation of the working day, breaks etc., it may be necessary to make deviations from/adapt such rules in accordance with the specific nature of teleworking and the degree of flexibility required by both parties.

This means that local agreements on working hours can serve a number of purposes, such as:

- The determination of times during which the teleworker must be at his/her desk, e.g. on which days and within which hours he/she can be reached by the office, and the degree to which a teleworker can determine the working hours

- The determination of when the teleworker is to work at the office
- The deviations from any agreements on the definition of a working day
- The tackling of any elements of doubt as to shiftwork pay etc.
- The use of "task-defined" working hours so that a fixed number of hours or working days are defined for given tasks
- The adjustment of any flexitime schemes

Examples of shiftwork pay for teleworking

There are often additional rules associated with those governing working hours for the payment of work performed during “antisocial” hours. For civil servants and a number of other groups, the rules for shiftwork usually involve the payment of a supplement for work performed between the hours of 17.00 – 06.00, at weekends and so on, by order or in accordance to an approved roster. Please note that there are some groups not covered by shiftwork rules, such as contractually employed academics.

One aspect of the agreement on shiftwork pay is that an employee is not entitled to supplements if forced to work antisocial hours as a result of his/her own planning. This can often be the case for teleworking.

However, there may in principle be occasions when a teleworking employee will be entitled to shiftwork pay, for instance if asked to finish a task within a limited timescale, requiring antisocial working hours.

Example 1:

A civil servant is asked to complete a report. The job will take 4 hours and the deadline is one week hence. The employee chooses to do the work in the evenings, after the children are in bed. In such an instance, no shiftwork pay is due.

Example 2:

The same civil servant is given the same task, but this time as a “rush job” after 16.00 and for delivery the next morning. The work can only be done that evening. In such a situation, the employee will be entitled to shiftwork pay for 3 hours work. This applies even though the employee may choose to do the whole job after 17.00.

1.9. Local and individual agreements

There are two levels of agreement for any given workplace.

As can be seen from § 6 of the framework agreement it must be the result of a local agreement between the employing authority and the employee’s authorised representative organisation.

§ 7 also states that there must be an individual agreement between the employing authority and the employee.

Local agreements

The employee’s authorised representative organisation can delegate the authorisation to negotiate to a local department or shop steward.

The employing authority can correspondingly delegate authorisation to a given institution.

According to § 6, item 2 of the framework agreement, local agreements can be terminated with three months' notice up to the end of a calendar month unless otherwise agreed. In any event, local agreements will expire no later than at the end of the framework agreement.

The elements that comprise a local agreement:

1. Where and to whom the agreement will apply (institution/workplace etc., and the personnel group(s) it will cover).
2. The parties to the agreement (employing authority/institution and organisation(s)).
3. Timescale for teleworking. (As can be seen from § 3 of the framework agreement, teleworking can only occupy a proportion of the agreed working hours. Local agreements can contain more detailed guidelines on these points if required).
4. If the rules on working hours are to be suspended, local agreements must give details.
5. Commencement date of the agreement.
6. Any special rules governing termination of the agreement, as per § 6, item 2 of the framework agreement.
7. Any renegotiation entitlement, e.g. in the case of major technological changes, as per § 9, item 3 of the framework agreement.

Individual agreements

Individual agreements must be based on local agreements. The parties in such cases will be the employing authority/institution and individual employee.

Individual agreements can be terminated by the employing authority and the employee with one month's notice to the end of a calendar month, unless otherwise agreed. In any event, individual agreements will expire concurrent with local agreements.

Individual agreements will define in detail the terms of a given employee's teleworking.

The elements that comprise an individual agreement:

1. Naming of the person the agreement concerns.
2. Naming of the location of the teleworking.
3. Definition of the hours the employee is to work.
4. Definition of any times during which the employee can be contacted.
5. Any guidelines for the use of equipment provided by the employer.
6. Definition of any expense allowances and compensation for use of own equipment.
7. Commencement date of the agreement.
8. Any special rules governing termination of the agreement, as per § 7, item 2 of the framework agreement.

1.10. Reimbursement of expenses etc.

Teleworking can involve out of pocket expenses for the employee, depending on the technological equipment required, planning and extent of the work.

The framework agreement therefore includes allowances for such expenses, to be fixed in an individual agreement between the employing authority and the employee. The scope of any expenses that cannot be accurately defined will be determined on the basis of an estimate.

The parties must agree that the employing authority is not to have to pay out for insignificant expenses.

1.11. Trade union representatives

Trade union representatives, or shop stewards, may use the time deemed necessary to fulfil their responsibilities. In order for a trade union representative to comply with this for the negotiating of the relationship between management and employee, they must have the requisite degree of contact with those personnel they have been elected by. The conditions created by teleworking can make it difficult to maintain that contact.

This problem can arise both in the situation where the trade union representative is located at the office whilst the teleworker is at home and where the trade union representative works at least partly in a teleworking role.

Any institution that introduces teleworking should consider how best to ensure that it is possible to communicate, so that trade union representatives still have the necessary contact with all employees. By doing so, an undesirable increase in the amount of time a trade union representative uses to fulfil his/her duties because of the introduction of teleworking can be avoided.

1.12. Assessments

For many of the state's institutions, the establishment of teleworking will be a totally new concept. Teleworking will mean that some of the most basic working conditions will be changed: The planning of working hours, prioritising of tasks, social contact, relationship with management, workplace culture etc. Its introduction therefore requires a lot of consideration, some aspects of which are included in these guidelines. It is however difficult to take everything into account. Regardless of how thorough the preparation, unforeseen incidents can occur over which neither party has influence, but which can mean that the experiment does not result in the intended flexibility.

It is therefore recommended that local agreements include an assessment of the experiment. This can be used to define the expectations of the parties involved and the measuring points to achieving them. The latter will include addressing the following aspects:

- Were the technological systems employed sufficient/effective or did chronic shortcomings become apparent during the trial period?
- Were productivity and quality levels satisfactory?
- How did the personnel remaining at the main workplace perceive the experiment. Did they for example experience increased workloads in some situations?
- Did the teleworker's household think the experiment was to the advantage of their family life?
- How did the immediate superiors perceive "management at a distance"?
- Last but not least: How did the teleworker him/herself perceive the experiment in terms of its pros and cons?

Part 2.

Legislation with an effect on teleworking

2.1. Teleworking and taxation²

PC equipment

The general practice is that if PC equipment provided by the employer is used exclusively for the purposes of fulfilling employment, its use is not subject to taxation. An amendment to the Tax Assessments Act in February 1997 means that teleworkers from that point on may not be taxed for the private use of any PC equipment provided by their employers for work purposes.

Communication links (telephone and ISDN lines)

Usually, the establishment of a teleworking job will require setting up an ISDN line, making it possible to transmit data to and from the workplace. Establishment and installation costs borne by the employer are regarded as commercially justified as a part of setting up a teleworking job, and are therefore not taxable for the teleworker.

The existence of an ISDN line means that as a rule, the employee will be liable for tax for the use of a free telephone away from the workplace regardless of whether a business phone is connected to the ISDN line or not. Even if the employee already has a private phone, the business phone will be treated as a “free telephone away from the workplace”. By ‘free’ is meant that the phone is either in the name of the employer or that the employer pays all or a part of the costs for that telephone.

Please note however that for security reasons, it is a good idea to set up the ISDN link as a closed net. If communications between teleworker, employer and any other parties involved is “closed to the outside world” and it is impossible to make private calls, the ISDN link cannot be considered as a free telephone. This means that it will not be liable to taxation.

In 1998, the value of a free telephone was set at DKK 3,000 per year, an amount applied regardless of whether the employee has a private telephone as well. The employee can however get this amount reduced by declaring the actual telephone bill for private use. (The reduction is deducted by the employee on his/her tax return form under Personal Income).

² The responsibility for the level of a teleworker’s taxation lies with the local tax-assessment authority.

Value of free telephone	DKK 3,000
- private telephone bill (incl. line rental)	DKK xx
<hr/>	
Taxable amount	DKK yy

The employer will be responsible for declaration of the free telephone and deduction of the relevant taxes at source of the value.

In accordance with § 9, item 1 of the Tax Assessments Act, an employee can deduct work-related expenses from taxable income – but only to the extent that total expenses exceed DKK 4,000 per year (in 1998). The specification of work-related expenses can include deductions for the use of the teleworker’s private telephone for work, with the exception of the line rental fee.

Office equipment

Teleworkers will not be liable for tax on office equipment provided by the employer, as long as such equipment is similar in appearance and function to that provided by the employer in the main office.

Miscellaneous

A special tax allowance limit for fringe benefits “that to a significant degree are provided in direct relation to work” exists. The limit (as per 1998) is DKK 4,000 This can include newspapers, food etc., but not telephone.

The use of the term “fringe benefits allowance” means that tax must be paid on all the benefits covered by the base amount if these have a total value that exceeds the allowance limit – i.e. should the value of the fringe benefits exceed DKK 4,000, then the total amount is liable for tax.

Under normal circumstances, it will be difficult for a teleworker to claim tax allowance for the use of the home for an "office". The expenses that come under this heading will include extra costs for electricity and heating. The tax authorities' attitude in this matter is very restrictive, as such expenditure is deemed to be strictly private and therefore not usually subject to tax allowance. If the employer contributes to such extra costs, that contribution will be subject to income tax.

Further information concerning taxation can be obtained from the relevant regional tax-assessment authority or tax offices.

2.2 Insurance and compensation rights in relation to teleworking

Insurance and compensation rights will be the same for teleworking as for working at the principal workplace. This entails that the legal status in the event of an accident will be established based on:

- The state acting as the insurer
- Legal compensation rights
- The Industrial Injuries Liability Act
- Employer's Liability under Danish Law 3-19-2
- The law as applied to insurance in the event of industrial injury

Teleworking can give rise to types of injuries and limitations that are different to those that occur in traditional surroundings.

The self-insurance scheme means that for all cases of damage to property, the state will be covered, even though insurance for a given type of damage may be unusual (but not impossible) to obtain for a private individual.

If items belonging to the employer within the teleworker's home are damaged or stolen, the teleworker or other persons can only be held liable in the event of gross misconduct or neglect.

If the employer's equipment causes personal injury (excluding industrial injury) or damage to the employee's property, the employer can only be held liable if he/she has acted negligently – e.g. when setting up the equipment. If the injury was unforeseeable, the employer cannot be held liable. Whether the employee is able to claim on his/her own insurance policy in the event of personal injury will depend on whether he/she has an accident insurance and in the event of material damage, on whether the employee has an insurance of goods and chattels.

As far as the employer's liability under Danish Law 3-19-2 is concerned, the employer can be held liable for the employee's actions leading to injury or damage only if those actions were performed "in the course of the execution of his/her work".

The state also acts as self-insurer under the law on insurance against industrial injuries. The insurance covers the employee, but not his/her home. The law covers situations in which the behaviour of the injured party was governed by the terms or nature of his/her employment.

2.3. The working environment and configuration of the workplace at home

The Working Environment Act can in principle be deemed to apply to teleworking, which can mean for example, that the employer is liable for the tools used for the job and how the work is performed. According to the act, the employer is obliged to draw up an assessment of the workplace – which will also apply to work performed at home as teleworking.

However, teleworking will imply certain exceptions from the Working Environment Act, such as the rules on furnishing the teleworking 'office' and the rules on breaks and days off.

The Ministry of Labour's order on work performance will also apply to teleworking – this includes rules on planning and organising the work in order to ensure that it is performed in a responsible manner.

Teleworking will on the other hand not be affected by the order governing the furnishing of a permanent workplace, which entails such aspects as sanitary facilities, a restroom, kitchen etc.

Working with a computer screen must be organised so that there are regular intervals of other work or breaks – this will also apply to teleworking.

The framework agreement states that the employer must pay for and install the equipment necessary for the establishment of a teleworkplace at home, and the employer will also be responsible for maintenance of the said equipment.

If the employee already has some of the equipment needed, then employer and employee can agree that it can be used for teleworking. Compensation for this can be agreed upon.

It is in the interests of both parties that health and safety in relation to the establishment of teleworking are ensured, to prevent the employee suffering injury in connection with teleworking.

Access to the home

According to § 76 of the Working Environment Act, the Danish Working Environment Service is entitled to access to both public and private places of work to the extent deemed necessary. The DWES's right to inspect a workplace in the home is therefore no different than for the normal workplace.

As a rule, the employer is not entitled to access to a private home, but it may be necessary for the purposes of teleworking to address the question of to what extent the employer should be allowed access to a teleworking workplace.

Further details on legislation affecting the working environment can be obtained upon application to the Directorate of the Danish Working Environment Service.

2.4. Rules and regulations on data protection and confidentiality

In most cases of teleworking, the employee will be able to access data held at the principal workplace.

Teleworking is vulnerable in two areas: The sending of data out of the institution, and the fact that equipment located in the home of the teleworker will not be subject to the same degree of security as that located at the employer's premises.

When a new teleworking site is being created, it is therefore important to ensure data security.

For computer databases maintained by the public authorities and that contain personal details, the data protection legislation lays down certain rules that will also apply to teleworking. For instance, a description (register) of the database's structure and operation must be available,

plus any necessary security measures to prevent the information stored being misused or revealed to non-authorised individuals.

The Data Protection Registrar enforces registration and compliance with the law and relevant regulations. This of course entails that the Registrar must have access in order to be able to check use of the data at the teleworking site.

The direct responsibility for establishment and maintenance of the rules and regulations on data protection lies with the relevant authority. Before teleworking can commence, that authority must ensure that the relevant rules have been elaborated and that they have been incorporated into the routine of the workplace. The teleworker's responsibility lies in use of the database in accordance with the provisions defined in the rules and regulations.

When the employee is teleworking and comes into possession of sensitive information, the usual rules defined in the Public Administration Act will apply. This entails that the employee must maintain confidentiality when the information can be deemed to be sensitive or when it is necessary in general to protect it in order to safeguard public or private interests.

Further information concerning the data protection legislation can be obtained by contacting the Data Protection Registrar.

APPENDIX 1

CIRCULAR ON THE FRAMEWORK AGREEMENT FOR TELEWORKING

The Ministry of Finance and central organisations have entered into the attached framework agreement for teleworking.

The framework agreement was devised as a result of the development of technology, which has made/making teleworking possible and subject to increasing interest. This is defined as a situation in which an employer can make use of new technology to allow work to be done at a site other than the traditional workplace.

The objective of the framework agreement is to facilitate the use of teleworking as an instrument towards increased flexibility in work organisation and improved reconciliation of working and family life.

The framework agreement will be completed by local and individual agreements.

Local agreements will be between the employing authority and the employee's authorised representative organisation.

Individual agreements will be between the employing authority and individual employees.

This circular takes effect as from 1st January 1998.

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The Ministry of Finance

Copenhagen, 29th May 1998

Tina Krabbe

AGREEMENT ON TELEWORKING

Scope and definitions of the Agreement

§ 1. This Agreement will apply to civil servants and the like. It will also apply to personnel covered by collective agreements and organisation-specific agreements entered into on the one side by, or upon the authority of, the Ministry of Finance and on the other by the the central organisations or organisations affiliated to them who become signatories.

Item 2. Teachers are exempted from the Agreement.

§ 2. The Agreement covers employees who in addition to having a fixed workplace at the employing authority are furnished with a work station at home.

§ 3. Teleworking is work that can be performed remote from the normal workplace using a PC, an electronic communication link or some other similar equipment provided by the employer.

Item 2. The type of work that can be performed by teleworking must be of repetitive nature in order to be covered by the Agreement and can only be undertaken within a proportion of the agreed working hours.

Item 3. The Agreement does not include work performed at a remote posting or during business travel.

Item 4. Teleworking does not include mobile work – i.e. work performed at shifting locations.

Wages and terms of employment - general

§ 4. Teleworking comes under the relevant rules and agreements for wages and terms of employment, including working hours, with the provisos contained in § 5.

Working hours

§ 5. Subject to agreement between the employing authority and the employee's authorised representative organisation, deviations can be made from existing working time regulations within the framework of the relevant collective agreements.

Local agreements

§ 6. The framework agreement shall be completed by a local agreement between the employing authority and the employee's authorised representative organisation.

Item 2. Either party can terminate a local agreement with 3 months' notice up to the end of a calendar month, unless otherwise stipulated in the agreement. Local agreements shall however expire concurrent with the framework agreement.

The individual agreement

§ 7. Based on the local agreement, as per § 6, individual agreements are between the employing authority and individual employees.

Item 2. Either party can terminate an individual agreement with 1 month's notice up to the end of a calendar month, unless otherwise stipulated in the agreement. Individual agreements shall however expire concurrent with the framework agreement or earlier.

§ 8. Within the terms of § 7 of the individual agreement, provisions can be made for the reimbursement of any supplementary costs incurred by the employee in the course of teleworking.

Termination of the framework agreement

§ 9. The framework agreement is an experimental scheme that comes into effect on 1st January 1998 and expires 31st March 2001.

Item 2. Agreements on teleworking made prior to the implementation of the framework agreement will apply in accordance with their own content.

Item 3. Renegotiations can occur as a result of changes to the relevant legislation or major technological changes.

Copenhagen, 19th May 1998

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