

HR Spring Fling 2022 – Impulse Track

Remedies for the Great Resignation?

HR and Legal Challenges of Mobile Work,
Workation & Co.

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Legal Tech with ❤️ for HR



Hi there!

Thank you for joining us for our track session at the HR Berlin Spring Fling 2022!

We hope you enjoyed the lively discussions and gained further insights into your colleagues' perspectives.

To those who couldn't join us:

Below you will find a summary of the results of our discussions and concise twinwin best practices for the implementation of flexible work location models.

Let's kick things off with a few numbers:

- According to an [international survey](#) by EY, **54 %** of employees claim they would leave their current employer if no remote working options were implemented post-covid
- According to a LinkedIn [survey](#), **40 %** of German employees feel the same
- A recent Stepstone [survey](#) found that **35 %** of employees contemplate leaving their company **more than once a week**
- This amounts to a total of **15.000.000** employees in Germany willing to switch employers given the right incentive



Whilst these numbers can represent a great opportunity for some companies, they also constitute a severe organisational and financial threat.

Because it is crucial to retain great talent, together with you we wanted to get to the bottom of how to achieve that goal.

In order to do that...



...we asked you a few questions:

- In case you're already experiencing a high turnover: which departments are affected and why?
- How are flexible work location options in your company implemented? (Framework/process of fully remote, home office, hybrid, workation)
- What are common concerns & hurdles with flexible work location models, organisationally and legally?
- In your mind, what are other key-factors to improve employee retention?

And this is what you had to say about it...

#1 Affected by a high turnover? Which departments? Why?

**Mostly
yes**

Departments:

Tech
Sales
HR
Finance
C-Level fluctuation

Top reasons:

Poor benefits & compensation
Differences & clarity in working model
Long development of flexible options
Purpose & meaning
Loyalty
Challenges in recruitment
WLB→ shifted priorities & mental health
Leadership
Values to promote belonging
Recruiter “sharks”

And this is what you had to say about it...

#2 How are flexible work location models in your company implemented?

Everyone is attempting to increase flexibility adapting various solutions:

Prioritizing remote work including workation

→ Some already have a clear policy in place, others are still experimenting

Implementing hybrid models

→ Common issue: Employees do not understand why they should return to office-based work

Common Learning: Employee involvement & understanding individual needs are crucial when implementing flexible work location models

And this is what you had to say about it...

#3 What are common concerns & hurdles with flexible work location models?

Taxes

Insurance

Time zones

**Social
Security**

Productivity

4-day work week

Entsendung

Benefits

2nd remote working contract or
dedicated HR lawyer as solution?

**Culture &
Purpose**

Compensation
localized vs. fixed rate

Legal restrictions

And this is what you had to say about it...

#1 Other key-factors to improve employee retention?

Communication

Loyalty

**Shift focus on
employees**

**Psychological
safety & security**

Leadership

Transparency

Compensation

Onboarding

Retention

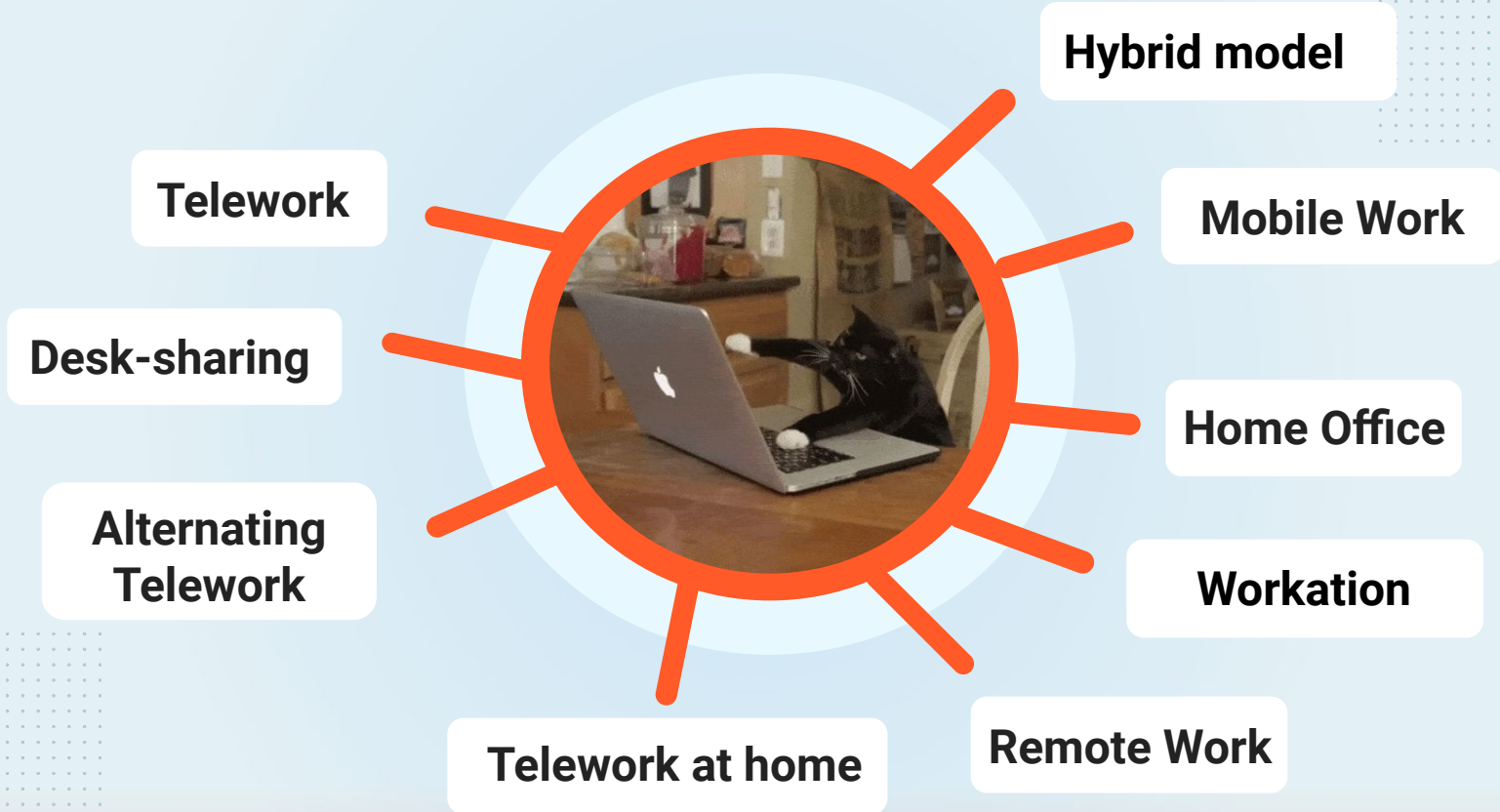
Now let's take a look at these flexible work location models & best practices!

Oftentimes, the terminology is less than clear...



...confused yet?

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Forms of telework

No definitions for all forms. Section 2 para. 7 ArbStättV (workplace regulation) provides partial information.



Telework at Home (Home Office)

Performing work full-time from home (in private space).



Alternating Telework (Home Office "light")

A mixture of home office and presence in the office. Office workplaces are used alternately by several employees.



Mobile Telework (Remote/mobile work)

The workplace moves with the employee. Location-independent & flexible work in the café, on the train, on the couch, on the beach, in "co-working spaces".




Telework = Home Office

- + Better accessibility, fewer distractions
- + Occupational health and safety easier to control for employers
- + Less data protection violations due to fixed workplace
- The employer has to equip the home office (furniture, tech equipment etc.)
ArbStättV apply
- Home Offices need risk assessment, similar to the workplace (office)
- More cost-intensive (e.g. claim for reimbursement of expenses)
- Employee can only work from home

Mobile Work

- + No workplace setup needed, only mobile devices have to be provided *ArbStättV does not apply*
- + Fewer costs
- + Flexibility: possibility to work at different locations
- + Efficiency with regard to travel times
- Occupational health and safety more difficult to implement (reachability must be ensured, could cause also problems with regard to working hours & rest time)
- Increased risk of data protection violations
- Mobile work abroad is subject to legal complexity and poses risks

Incentives

- Also possible in the case of mobile work, as the employer saves costs when employees attend the office less
- Set a certain amount for all employees, which can be used individually
  

#Fairness

#Equality

Corporate culture & team spirit

- Contact with colleagues, regular attendance days, team events, online coffee station, etc. Consider individual needs and special situations

Tax deductibility?

- Depending on the model chosen - support from the tax office recommended

Evaluate Legal Framework & Risks for a compliant policy

Determine **territory** of flexible work location model: Germany only, EU, worldwide depending on the different local provisions, especially:

Social security law

Tax law

Labour Law & Residence Permits



Flexible Work Location Policy

Key points to consider



Time limit of the policy with revocation option



Instruction in data protection



Instruction in occupational safety (esp. procedure for accidents)



Maximum duration of flexible work location (where abroad)



The employee's foreign insurance (where abroad)

Flexible Work Location Policy

Key points to consider



Recording working time, maximum working hours, rest

periods



Separation of workation/mobile work from holiday



Communication & culture (offsites, meetings, events)



Fixed office presence days?



IT replacement in case of loss/damage

Flexible Work Location Policy

Key points to consider



Residence should absolutely remain in the registered country



Fair treatment of all employees in different models



Internal process: application, approval, recording, deadlines



Equipment package / incentive for individual use

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Not a member yet and curious to find out more?

The aim of twinwin is to **free you from legal headaches**, so you can focus on what truly matters: **People & Culture!**

We are at your side, providing you with solutions to your everyday employment law questions!

Interested? Simply reach out:



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