



LINARI LAW FIRM

AVOCATS A LA COUR

Unanimous adoption on March 16, 2022 of a law to amend the labour code

With the pandemic, the question of remote working has become an important topic for businesses and employees.

It is reminded that on October 20, 2020, social partners had come to a general agreement on remote working, and which was declared a general obligation by [grand-ducal regulation](#) dated January 22, 2021 and which came into effect in February 2021.

This general agreement provides that remote working is always set up on a voluntary basis, leading to an agreement between employer and employee, and distinguishes between occasional and regular remote working. It also answers legal questions on work organization, health and security, payment for costs and on equality of treatment while working remotely.

Although it gives a legal frame to remote working, the labour code needed to be amended on some additional points.

Now it's a done deal : Luxembourg parliament has recently adopted bill 7862, amending articles L. 414-3 et L. 414-9 of the labour code and providing (i) an obligation for the head of a company, from 15 employees and with less than 150 employees, to **inform and consult** the staff delegation on the introduction or modification of a specific remote working policy and (ii) an obligation for the head of company, with more than 150 employees to **reach an agreement** with the staff delegation.

So, it is to understand that companies employing more than 150 employees, willing to implement remote working or to simply modify an existing remote working policy, will have to start a real negotiation with their staff delegation to reach their consent.

This new role for the staff delegation, comes in addition to the role already assigned by article 4 of the general agreement dated October 20 2020 mentioned above.

Linari Law Firm is available should you need any assistance regarding labour law or dispute resolution (legal advice, pre-litigation and litigation).



