

The Allowances of Working Remotely

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Question: Working remotely has become more popular over the past few years and especially during the last few months as a result of Covid-19. Many employers will now allow workers to work from home much more than was previously permitted. What are the contractual obligations for someone working remotely? What allowances do they have when it comes to domestic responsibilities at home that would not have been done at the office, such as taking care of children, doing laundry, and the like during their work hours?

Answer: Chazal in *Bava Metzia* (and elsewhere) discuss workers' allowances. In those days, workers worked from sunrise to sundown, was given by Chazal for other activities. Even the allowances for *davening* and *bentching* were curtailed, as was discussed in a previous session of the Business Halacha Daily.

But these too are not etched in stone, as Chazal also say, *hakol k'minhag hamedina*, everything follows the local custom. Consequently, since nowadays it is normal to allow for a lunch break or to call one's spouse in the middle of the day, this would generally be permitted. However, to be on the phone for a number of hours would not be allowed.

One needs to look at his specific industry and work environment in order to determine what is considered a normal allowance and what is considered excessive time spent on other activities.

Working from home, though, is a relatively new "industry," at least in the United States, and we do not yet have a clear *minhag hamedina* mapped out yet. In the midst of the corona lockdown, when everyone was home, perhaps more leeway was given by employers for employees to take time off during the day for other needs at home. But going forward, an employee working from home must understand that although it is nice to save commute time, one cannot put only half of one's mind and energy into a job simply because they were permitted to work from home.

Some might counter that an employer hiring individuals allowed to work from home are automatically allowing more leeway room than that given to those working in an office. But even if this is true, there still needs to be some sort of common sense limit, demarcating what is allowed and what is not, and each industry may need to develop the guidelines for itself.

Question: Is there a difference between a salaried worker and one who gets paid hourly?

Answer: There definitely may be a difference between the two, as many employers would say that an hour means an hour for an hourly job, and one must focus on one's work the entire time. In contrast, a salaried worker is often more about "getting the job done". Therefore, if the job gets done, perhaps there is more room for allowing small breaks and down time.

(Obviously, all within common sense guidelines).