

Legal Issues Related to WFH / Telework under the Epidemic in Japan: On the Enlightenment to Taiwan

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Abstract

As the covid-19 pneumonia epidemic is raging around the world, it not only has an impact on the daily lives of the people, but also has an impact on labor relations. In order to meet the needs of epidemic prevention, the employees use Information and Communications Technology (ICT) at home to complete the work assigned by the employer. The working method of WFH / telework has become an important tool for companies to maintain their operations, as well as an important means for epidemic prevention.

WFH is not an emerging legal issue, but with the severity of the epidemic, many in the world's workforce have shifted to homeworking. Many companies urgently require employees to work from home without planning in advance. They do not want their employees to go to the office in order to prevent the spread of the epidemic and have to implement telework. This article focuses on the WFH / telework under the epidemic and discusses the legal issues in Japan, such as whether there are obstacles in the Labor Standards Act or Labor Contracts Act for employers to implement telework, whether the employers have the right to implement telework order unilaterally, and whether the employees have the right to telework when the employers discontinue telework and ask the employees to go back to the office. Secondly, the management of teleworkers' working hours, the protection of employees' privacy and private life, the right to disconnect, how the employers fulfill their obligations under the Occupational Safety and Health Act when employees work from home, and the workers' compensation such as whether the employees are injured at work or acquire an occupational disease

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during the implementation of telework will be discussed. Finally, comparing on important points in Japanese law, relevant legal issues in Taiwan will be reviewed for reference for academic and practical development in the future.

Keywords: Telework, WFH, working hours, employees' privacy, right to disconnect