

# COVID and work from home trends: Practices and recommendations in protecting employees

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## ABSTRACT

The Coronavirus disease 2019 (COVID-19) epidemic or the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) has far-reaching effects on many parts of society, particularly the job market in VietNam. In just the third quarter of 2021, the COVID-19 epidemic has impacted approximately 28.2 million employees aged 15 and above across VietNam, which led them to lose their employment, cease work, rotate work, reduce working hours, and reduce income, etc. Furthermore, COVID-19 requires employees to work from home, and the fast rise in work from home creates a fresh urgency to evaluate the impact of work from home on both employees and employers, including contracts, insurance, wages, allowances, working hours, and so on. Due to the aforementioned urgent circumstances, in the framework of COVID-19, this research article tries to examine both positive impact of working from home such as decreasing workplace accidents, cleaning up the environment, saving money for both employees and employers, and harmonizing work and family responsibilities and negative impact, for example, lack of working tools, labour equipment or the right to disconnect between working hours and resting periods. Furthermore, the authors are going to highlight some potential legal loopholes that may exist in the context of changing working techniques in VietNam. Finally, the authors promote awareness of work from home and provide advise on policies that can help people who work from home in the current pandemic situation in VietNam, for instance, restrictions on workplace safety when working from home, regulations on the right to disconnect employees after working hours, and strengthening the function of the labor inspector in examining how much a company is paying out in salary and how much is being cut or reduced.

**Key words:** COVID-19, work from home, employment, labour laws, VietNam...

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## INTRODUCTION

The COVID-19 pandemic, which has been going on since the end of 2019, has had a major influence on the global economy and governments all over the world. VietNam has had four waves of the disease since the outbreak began, with the fourth wave being the most serious and persisting at the time of writing (from April to the end of 2021). In comparison to other countries, VietNam has taken a unique strategy to dealing with the epidemic. VietNam has imposed a complete lockdown, which includes banning public gatherings, closing schools, implementing special work arrangements for civil officials, such as working from home and teleworking, and urging private sector businesses to make similar arrangements as much as feasible, etc. Some private companies, such the VietNam Oil and Gas Group Branch - Bien Dong Oil and Gas Operating Company (BIENDONG POC) and JLL VietNam, as well as a number of others, allow its employees to work from home. Marriott International, which is part of the hard-hit hotel business, stated that two-thirds of its corporate workers

will be furloughed for two months while still earning 20% of their pay<sup>1</sup>. The remaining employees were given a 20% decrease in salary, other employees of the company took a leave of absence<sup>1</sup>.

The fourth wave of COVID-19 epidemic's problematic developments in many areas, particularly in VietNam's key economic provinces and cities, have exacerbated the labor and job crisis in the third quarter of 2021. When compared to the previous quarter and the same period last year, the number of individuals employed fell substantially, while unemployment and underemployment rates reached all-time highs. Employees' average monthly earnings fell considerably from the previous quarter and the same period last year. In the third quarter of 2021, there were more than 1.7 million unemployed persons of working age (a 3.98 percent increase over the previous quarter), an increase of 532.2 thousand people over the previous quarter and 449.6 thousand people over the same prior year period<sup>2</sup>. The difficult evolution of the fourth COVID-19 outbreak, as well as a long period of social isolation in many areas, pushed the job-

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less rate this quarter much over the average 2% number<sup>3</sup>.

Furthermore, many employees who have not lost their jobs but are forced to work from home due to the pandemic's impact face difficulties, shortages, and injustices such as salary reductions (from 20 to 50%); bonuses and allowances are cut; and working hours are not fixed due to having to deal with problems that arise outside of working hours. According to a survey, 42% of employees claimed their work is completed online, and roughly 29% work 50% of the time online and 50% of the time in the office<sup>4</sup>. Nearly a quarter of respondents stated they work 100 percent of the time. Only 7% of employed employees follow the "03 on the spot" paradigm of "productivity, isolation, and accommodation on the spot"<sup>4</sup>. According to a PWC survey, up to 49% of employees plan to continue working from home if they return to the "new normal"<sup>5</sup>. Working from home management and regulation are still in their infancy, and businesses face challenges in complying with present rules.

For the reasons stated above, as well as the fact that the trend of working from home will continue to grow in the future, the authors will concentrate their efforts on examining the impact of COVID-19 and the issues that arise when working from home, with the goal of developing regulations to better protect employees in the current context.

## LITERATURE REVIEW AND RESEARCH METHODS

This article is based solely on a critical review and analysis of secondary literature on working from home and its effects. Working from Home: From Invisibility to Decent Work<sup>6</sup>, for example, aims to increase understanding of homework and provide policy recommendations that can help old and new homeworkers find acceptable work. Working from home during COVID-19 has an impact on work and life domains, according to an exploratory study conducted in Hong Kong<sup>7</sup>; *The Future Of The Office: Work From Home, Remote Work, And The Hard Choices We All Face* of Cappelli, P. (2021); reports from the General Statistics Office on labor, employment, and judgments, legal documents of VietNam, the European Parliament, and other countries. Baek, E. M., Kim, W. Y. and Kwon, Y. J. in *The Impact of COVID-19 Pandemic on Workplace Accidents in Korea* pointed out that the COVID-19 epidemic and social distancing may have affected how people work, leading to "work from home" arrangements that have decreased occupational diseases and workplace illnesses

as a result of less worker interaction. *The right to disconnect in Europe and some suggestions for VietNam* of Dũng Nguyễn, Yến Nguyễn, Hà Trần, authors conclude that "the right to disconnect" must be included in VietNam labor legislations and recommend some initiatives to ensure the rights to disconnect of employees in VietNam.

The abovementioned projects have not really assessed the impact of the COVID-19 epidemic on the labor sector and practice in Viet am during the pandemic such as newly issued policies and legal regulations, salary reduction. Therefore, this research article is an opportunity for the author to more closely evaluate the shortcomings and make appropriate recommendations.

## RESULTS

Firstly, the COVID-19 pandemic has had an impact on all elements of labor relations and has altered working method throughout the world, including in VietNam.

Secondly, to better safeguard employees who work from home, VietNam's labor law has to be revised and supplemented.

## DISCUSSION

### COVID-19's impact on shifting work-from-home trends and employees' earnings

According to the World Health Organisation<sup>8</sup>, SARS-CoV-2 primarily spreads between people when an infected person comes into close contact with another. When an infected person coughs, sneezes, breathes forcefully, or talks, the virus can spread in minute liquid particles ranging from larger 'respiratory droplets' to smaller 'aerosols' from their mouth or nose. Close contact can cause the virus to be inhaled or inoculated through the mouth, nose, or eyes. Therefore, in order to prevent the spread of the disease, governments around the world promote or require enterprises to migrate from face-to-face to remote labor.

Dingel, J. I., & Neiman, B. discovered that during the COVID-19 pandemic in the United States, 37% of employment, including as financial work, business management, and so on, could be accomplished from home, professional and scientific services, notably those linked to health care, farming, and so on<sup>9</sup>. Despite the fact that working from home is becoming more popular around the world, scholars disagree about the benefits and drawbacks<sup>7</sup>. According to ILO estimates, there were around 260 million people working from home around the world before the COVID-19 crisis, accounting for 7.9% of total

global employment, with 147 million of them being women. Employees operating on digital platforms, delivering various sorts of services; regular remote employees; a huge number of employees participating in the manufacturing of goods that cannot be mechanised (embroidery, handicrafts, and assembling electronics); individuals that operate on digital platforms and offer a variety of services (processing insurance claims, editing documents, or annotating data for training of artificial intelligence systems). Companies like Amazon and Walmart, which remained open and had practically all of their personnel on-site, were originally incredibly kind to their employees. If employees were frightened of getting the virus at work, they were offered bonuses and the option to remain home (although without pay). However, by June, the majority of the generosity had ceased<sup>1</sup>.

When the COVID-19 pandemic broke out in the first months of 2020, there were around 660 million individuals, or one-fifth of the world's workforce (the entire workforce is 3.3 billion people). In comparison to the previous year, this figure has risen dramatically<sup>10</sup>. In 2021, the fourth wave of COVID-19 hit VietNam and the rest of the world; the number of individuals working from home will continue to rise, and they will progressively adjust to solving remote duties. Despite numerous challenges, employees have increasingly developed a more proactive tendency to adapt and seek for employment that can be done from home in order to reduce their mobility.

According to ILO statistics, home-based employees are generally paid less than those who work outside, even for tasks that require a high level of competence. People who work from home earn 13% less than those who work outside the home in the UK, 22% less in the US, less than 25% in South Africa, and around 50% in Argentina, India, and Mexico<sup>6</sup>.

In VietNam, according to the labor and employment report of General Statistics Office of VietNam, the outbreak of the COVID-19 epidemic again in the last days of April 2021 has hampered the momentum of job restoration and better income of employees in the quarter II/2021. Accordingly, in the second quarter of 2021, there were 12.8 million people aged 15 years and older who were negatively affected by the COVID-19 epidemic, including those who lost their jobs, had to take a rest/rotational leave, and reduced hours, jobs, reduce income, etc. The labor force aged 15 and over was estimated at 51.1 million people, up 44.7 thousand people from the previous quarter and 1.7 million people from the same period last year, with the labor force in the region, urban areas up 355 thousand people and more than 1 million people; male labor force

increased by 36.3 thousand people from the previous quarter; female labor force increased by 36.3 thousand people from the previous quarter<sup>11</sup>.

Working at home is close to 100% for places implementing social distancing according to VietName Prime Minister's Directive No. 16/CT-TTg dated March 31, 2020 on the adoption of urgent measures to prevent and manage the COVID-19 epidemic. The COVID-19 outbreak has affected Ho Chi Minh city and Binh Duong province (the two largest industrial cities in the Southeast region of VietNam) particularly hard, forcing the majority of employees to work from home. Many employees have been forced to return to their hometowns due to job losses or being unable to afford living expenses as a result of working from home during the lockdown.

In term of the issue of employee income during the era of isolation, according to the VietName General Statistics Office, most economic sectors have seen a reduction in average employee income since the third quarter of 2021, compared to the preceding quarter and the same period last year. Employees in the service industry were the hardest hit in terms of income, with an average monthly wage of 6.2 million VietNam Dong (VND), down 13.5% from the previous quarter. The average monthly wage for industry and construction employees is 5.8 million VND, down 13.2% from the previous quarter. Employees' average monthly income in the third quarter of 2021 was 5.2 million VND, down 847,000 VND from the previous quarter and 573,000 VND from the same quarter the previous year<sup>12</sup>.

### **VietName legal framework to protect employees when working from home.**

#### **VietName labour law in context of COVID-19.**

According to the provisions of Article 99(3) of the Labor Code 2019, employees are allowed to suspension of work and to receive a suspension pay (shall not fall below the statutory minimum wages<sup>a</sup>) in case of major epidemic.

Union members and employees are F0 according to VietNam General Confederation of Labor Decision no.3749/QD-TLD dated December 15, 2021 on support for union members and employees impacted by the COVID-19 outbreak (from 1.5 to 3 million VND). In 2022, the National Assembly passed Resolution 43/2022/QH15, which reduces VAT from 10% to 8%.

<sup>a</sup>Article 3 of Decree 38/2022/ND-CP stipulates the current regional minimum wages as follows: Region I: 4,680,000 VND/month; Region II: Level 4,160,000 VND/month; Region III: 3,640,000 VND/month; Region IV: Level 3,250,000 VND/month.

As a result, in 2022, a 2% reduction in the value-added tax rate will be applied to categories of commodities, while services would be taxed at a rate of 10%. (remaining 8%). Furthermore, for the tax year 2022, deductible expenses for expenditures to support and sponsor businesses and organisations for COVID-19 prevention and control operations in VietNam are authorised to be included when determining corporate income taxable revenue.

According to Resolution 68/NQ-CP, employees working under the employment contract regime are suspended from work under Article 99(3) of the 2019 Labor Code and are subject to medical isolation or in locked-down areas as required from a competent state agency for 14 days or more, from May 1, 2021 to the end of December 31, 2021; who are participating in compulsory social insurance up to the time immediately before stopping work will receive a one-time support of 1,000,000 VND/person. Moreover, employees are still entitled to receive severance pay from the employer, specifically: If an employee is forced to stop working at the request of a competent authority due to focused isolation, social distancing, or blockade, the employee's salary during the period of suspension will be determined according to the following provisions: The agreed-upon stoppage salary must not be less than the minimum wage if the stoppage is for 14 working days or less; if the stoppage is for more than 14 working days, the salary for stopping work must be agreed upon by the two parties, but the salary for stopping work in the first 14 days must not be less than the minimum wage.

### Recommendations

#### *Promulgating regulations on disconnection when working from home*

Nowadays, employees can work from anywhere and at any time, thanks to technological advancements and electronic devices such as mobile phone, laptop, etc. It is undeniably helpful in approaching work flexibly, but it gradually blurs the lines between work and private life, as well as time spent on social interactions. As a result, businesses can send work-related emails, texts or calls to employees at any time, including at home, at night, on weekends and holidays. Constant connection combined with insufficient rest can lead to health and psychological problems such as anxiety, depression, and fatigue<sup>13</sup>.

The right to disconnect has been proposed as a solution to this problem, particularly in light of the considerable increase in working from home during the COVID-19 epidemic, such as the European Union

draft on the right to disconnect; European laws on the right to disconnect. The right to disconnect refers to an employee's ability to opt out of work-related electronic communications such as emails, text messages, phone calls, and so on after working hours. Or, to put it another way, it is the right to refuse work given via digital connections and digital devices outside of working hours; it is a legal guarantee for employees, as technology advancements lead to a constant "connection" to work. Employees with the right to disconnect can also be proactive in selecting how to organise their time for work-life balance. In France, the Right to Disconnect first appeared in the French Court of Cassation (Cour de cassation) ruling in 2001, in which it showed that "employees are not obliged to work from home"<sup>14</sup>; In 2004, the French Court of Cassation continued to mention the Right to Disconnect by ruling, in which it displayed that: "The inability to communicate with employees by mobile phone after work is not the fault of the employee"<sup>15</sup>. Through two rulings above, it can be seen that in spite of without directly mentioning the Right to Disconnect, it has raised the inner implication of this Right. In 2016, France passed the law about the Right to Disconnect to modify it in the Labor Code (Law No. 2016-1088 - El Khomri Law), passed on August 8, 2016. In Italy, The Right to Disconnect was modified to the legal system through Senate Act No. 2233-B (passed on May 10, 2017). This Act provides for the agreement between the employee and the employer on the disconnection and flexible work (*Lavoro agile*). Throughout the European Territory on 21<sup>st</sup> January 2021 the European Parliament passed the Resolution on the Right to Disconnect to directly modify to the joint statement<sup>16</sup>. This Resolution needs to be adopted by European Council before being enforced. When homeworkers have complete control over their work schedules or teleworkers are exempt from working-hour restrictions in Chile, their employers must respect their freedom to disconnect. The disconnection time must be at least 12 continuous hours each 24-hour period. Furthermore, the employer is not permitted to communicate, connect with the employee on rest days or during times of annual leave. Homeworkers and teleworkers must have a disconnecting time clause in their employment contracts. Belgium and Ecuador have also passed legislation establishing the right to disconnect. Collective agreements, whether at the company or sectoral level, may be also an effective tool to safeguard the right to disconnect<sup>17</sup>.

As a result, governments in Europe have taken steps to anticipate the blurring of the barrier between work

and daily life, issuing legislation on the right to disconnect, which have had an impact on the current situation. As a result, the authors propose that policymakers in VietNam enact the “right to disconnect” for remote employees in order to ensure that the line between work and personal life is respected.

Initially, employees in Vietnamese enterprises can indirectly preserve their right to disconnect through rest time regulations, health care rights, freedom from forced labor, and employment contract agreements. In particular, even when the legislation has not yet made it possible, employees can nonetheless choose the details of this right through the collective bargaining agreement. Accordingly, the grassroots level trade union or employee representative organization in the enterprise should include limits on when and how employers can contact employees outside of working hours into the content of collective bargaining, considers this as one of the employers’ obligations in ensuring the employees’ right to rest, health care and private life.

#### *Employment contract and wage*

Employees’ average monthly income was 5.2 million VND in the third quarter of 2021, down 877 thousand VND from the previous quarter and 603 thousand VND from the same period last year<sup>2</sup>. Employees’ lives have been severely impacted by the COVID-19 epidemic’s convoluted developments. Employees’ average income in the third quarter of 2021 was much lower than in the second quarter of 2020 (5.2 million VND vs. 5.5 million VND), while employees’ average income in the second quarter of 2020 was higher. This is the lowest it has been in ten years<sup>2</sup>.

In a poll on salary concerns conducted by VietNam News Agency, 45% of employees reported their earnings remained the same; only 0.4% of employees received a raise; and nearly 19% of employees were able to keep their employment but their wages were lowered by 50%. Furthermore, 13.6% of employed employees indicated their pay had been cut by 20%, with this rationale focusing on the group of employees who do online employment<sup>4</sup>. Employees with jobs but wages that are reduced by 80% or who receive wages based on the products produced during the month accounted for 4.5% and 11.7%, respectively<sup>4</sup>.

Many businesses have conducted to reduce employees’ wages without statutory due to the Covid epidemic, downsizing, assigning employees to perform work that is not specified in the employment contract (Article 29 of the Labor Code 2019) and work at home, and many businesses have conducted to reduce employees’ wages due to the COVID-19 epidemic, reduced revenue, transferred employees do other jobs

than employment contracts and work at home. If we look at the provisions of the Labor Code 2019 and the Prime Minister’s Directive No. 16/CT-TTg dated March 31, 2020 on the implementation of urgent measures to prevent and control the COVID-19 epidemic, we can see that businesses are “arbitrarily breaking the law” by lowering employee salaries. When transferring employees to a job other than the employment contract and only paying a lower rate than the old salary, some businesses use the reason that the COVID-19 epidemic and working from home, based on Article 29 of the VietName Labor Code 2019 when assigning employees to perform work that is not specified in the employment contract and only paying a lower rate than the old salary. Businesses appear to be conflating “working from home” with “assigning employees to perform work that is not specified in the employment contract”. Employees continue to conduct their previous occupations wherever they are, and the only thing that has changed is the workspace. As a result, reducing salaries under the guise of “assigning employees to perform work that is not specified in the employment contract” is a business practice that goes against the original regulations and principles of the two parties in this relationship. Another reason that employees accept lower-than-average pay when working from home is that they have no other option. “In the event of a natural disaster, fire, epidemic, sabotage, or relocation or downsizing of production or business activities upon the request of a competent State agency where the employer has exhausted all possibilities and is forced to downsize the workforce” according to Article 36(1)(c) of the Labor Code 2019. The Ministry of Health published Decision No. 219/QĐ-BYT on January 29, 2020, adding acute respiratory infections caused by new strains of Corona virus (nCoV) to the list of ‘extremely dangerous infectious diseases’ that can transmit very rapidly and spread widely with high mortality rates or with unknown agents (Class A) in accordance with the provisions of the Law on Prevention and Control of Infectious Diseases 2007. The application criterion under the 2019 Labor Code is ‘major epidemic’, rather than ‘epidemic’, as in the 2012 Labor Code. Because the COVID-19 outbreak is such a severe disease, businesses have the right to apply. If the procedure fits the requirement ‘where the employer has exhausted all possibilities’, the employment contract owing to COVID-19 is terminated. Therefore, employees must choose between working from home and having their wage decreased, or having their employment contracts unilaterally terminated due to major epidemic.

Article 95(1) of the Labor Code 2019 states that employers shall make wage payments to workers based on the agreed wages, labour productivity and quality of work performance; Article 13(1) of the Labor Code 2019 states that an employment contract is an agreement between a worker and employer about remunerated work, wages, working conditions and the rights and obligations of each party to the labour relations. Furthermore, Article 33(1) of the Labor Code 2019 states that during the implementation of an employment contract, any party who wishes to amend or supplement the contents of the employment contract must notify the other party at least 3 working days in advance about the contents to be amended or supplemented. Businesses are compelled to encounter difficulties in income and financial balance due to the above rules and the problematic circumstances of the epidemic. If an employee shares the risk of the epidemic, the employer and employee can agree to a compensation reduction relative to the signed employment contract; in this situation, the two parties can agree to sign an addition to the employment contract to adjust the new salary<sup>18</sup>. If not, the employer is nevertheless obligated to pay the employee the agreed-upon remuneration.

As a result, wages are paid to employees based on the agreed-upon salary in the employment contract, productivity, and quality of work performance, not on where they work. As a result, if an employee's productivity and quality of work are equal to or better than when they work at the company, the company must not cut the employee's payment when they work from home, but must pay the entire remuneration for employees as agreed. Employees must be informed about employment contracts and wages through propaganda and legal education efforts in order to safeguard their legal rights. Furthermore, during this epidemic, the function of labor inspectors and employees' organisations at the grassroots must be strengthened in order to examine, inspect, and supervise the salary regime for employees as quickly as possible.

In addition, the legislator should stipulate how 'where the employer has exhausted all possibilities' to avoid the situation where the employer unilaterally terminates the employment contract with the employee in an arbitrary and illegal manner and pushes employees into the situation of 'no choice' as mentioned above.

#### *An occupational accident/ workplace accident during work from home*

COVID-19, on the one hand, can reduce workplace accidents by contracting economic activity or changing work methods. On the other side, by spreading

throughout the workplace, it has the potential to increase workplace accidents<sup>19</sup>. Employees are often insured for work-related injuries that occur outside of the office or other work environment. In many circumstances, the first question to ask is whether the injury is truly work-related. When you work remotely, proving that your job caused an injury becomes more difficult, especially when the harm might have happened at home on any given day when you were not working.

According to Article 3(8) and Article 45 of the 2015 Law on Occupational Safety and Health of VietNam, an occupational accident is an incident that occurs during the working process and is related to the performance of the assigned work or tasks and results in injury to any parts or functions of the body or death of employees. And employees who seek to be compensated for work-related injuries must meet the following requirements: (i) Having an accident in any of the following situations: a) At work and during working hours, including breaks between working hours, meals between shifts, in-kind meals, menstruation breaks, shower time, breast-feeding time, and bathroom use, as permitted by the Labour Code and requirements of their production/business facility; b) While completing a task requested by the employer or a person authorized by the employer in writing outside of working hours; c) While traveling to/from the workplace within a reasonable time and route. (ii) Having their ability to work reduced by at least 5% as a result of the above-mentioned accident. Workplace is defined as any location where the employee works in reality as agreed or assigned by the employer, including the work-related locations or spaces such as social activities, conferences, training sessions, business trips, meals, phone conversations, communications through electronic media, on shuttles provided by the employer and other locations specified by the employer (Article 84.3 of Decree No.145/2020/ND-CP on Elaboration of some Articles of the Labour Code on working conditions and labour relations).

As previously said, Covid has shifted its work from offline to online (or work from home), and we cannot rule out the possibility of occupational accidents when working from home. Is it considered an occupational accident if you have an accident while working from home? The Federal Social Court (Das Bundessozialgericht - BSG) has decided that if an employee falls from his bed to his home office for the first time in the morning, he is covered by the statutory accident insurance. Furthermore, the court argued that the employee entered the stairwell to the private apartment's home office simply to begin work for the

first time, which was the route from the residence to the workplace and was insured as a corporate route. Despite the fact that the accident occurred a year before the corona epidemic, we referred to it as such. It demonstrates how critical it is to adequately protect personnel in the home office. It should be noted that an increase in part-time work and working from home does not necessarily suggest a decrease in workplace accidents, as the burden for those who remain to work may grow. Employees in call centers and warehouses, are examples of this<sup>19</sup>.

The workplace, according to Vietnamese labor law, is not always the office or the location agreed upon in the employment contract, as shown by the aforementioned regulations and German case law. Even though the location is related to employment, according to Vietnamese labour law, it is the workplace. Employees are entitled to compensation for occupational accidents if they are injured while executing the job as agreed or assigned by the employer at home and their work ability is reduced by at least 5% as a result of the abovementioned accident.

However, we must adopt stricter measures to protect employees while they work from home to limit the danger of occupational accidents. Teleworkers have been granted occupational safety and health protection in various countries, including Belgium, Bulgaria, Chile, Colombia, Hungary, and Poland. In Italy, in the case of smart working arrangements, the employer must ensure occupational safety and health protection and provide written information on the identified hazards on a regular basis to employees and employees' safety representatives. Employers' preventive actions must be implemented with the cooperation of employees<sup>5</sup>. In Mauritius, where work is done at the homemaker's home, the employer may gain access to that home with the homemaker's permission and prior notice at a reasonable time agreed upon by the homemaker and for a limited number of reasons, such as risk assessment and periodic safety and health inspections.

#### *Other regulations*

In the current situation, an official guide on working from home is being released for employees and companies. The goal is to prevent the employer from enforcing the law in an arbitrary manner.

Businesses can be helped by governments increasing and improving their digital infrastructure. Even in affluent countries, over 20% of employees in rural households do not have Internet connection. As a result, building this digital infrastructure allows employees to have adequate labor and resources to work

from home, as well as reduce job termination and employment contract termination.

Specify the virtual office's basic technological training needs, as well as the technical means for working from home.

Examine applicable labor laws and make sure that home employees are covered by employment insurance coverage.

## CONCLUSION

In conclusion, there are numerous benefits as well as drawbacks to working from home. Working from home effectively or not depends on a variety of elements, including labor equipment and technical facilities; the sort of work that can be done at home or not; and, at the same time, the government's and employer's efforts and active support.

In addition to business and government policies supporting training and technical equipment, legislative provisions to protect employees working from home are required. The adoption of a disconnection at work rule is required to protect employees and prevent excessive labor abuse. Due to the objective influence that the employee and the employer cannot fail to implement, such as having to work remotely due to the impact of COVID-19 in the recent period, it is necessary for the employee and the employer to pay attention to the salary agreement and other policies when working from home when agreeing on the contents of the employment contract.

## CONFLICT OF INTEREST

The authors declare that he has no conflicts of interest.

## AUTHORS' CONTRIBUTION

- Tran Nguyen Quang Ha is responsible for idealising the research paper, discussion.
- Nguyen Duy Dung is responsible for abstract, introduction, conclusion.

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# COVID và xu hướng làm việc tại nhà: Thực tiễn và khuyến nghị bảo vệ người lao động

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## TÓM TẮT

Dịch bệnh do vi-rút corona 2019 (COVID-19) hoặc hội chứng hô hấp cấp tính nặng do vi-rút corona 2 (SARS-CoV-2) có ảnh hưởng sâu rộng đến nhiều bộ phận trong xã hội, đặc biệt là thị trường việc làm. Chỉ trong quý 3 năm 2021, dịch COVID-19 đã ảnh hưởng đến khoảng 28,2 triệu người lao động từ 15 tuổi trở lên trên khắp Việt Nam, khiến họ mất việc làm, ngừng việc, luân chuyển công việc, giảm giờ làm và giảm thu nhập... Hơn nữa, COVID-19 yêu cầu người lao động làm việc tại nhà và sự gia tăng nhanh chóng của công việc tại nhà tạo ra một sự cấp bách để đánh giá tác động của công việc tại nhà đối với cả người lao động và người sử dụng lao động, bao gồm hợp đồng, bảo hiểm, tiền lương, phụ cấp, giờ làm việc... Do những hoàn cảnh cấp bách nói trên, trong khuôn khổ COVID-19, nghiên cứu này cố gắng xem xét cả tác động tích cực của việc làm việc tại nhà như giảm thiểu tai nạn tại nơi làm việc, làm sạch môi trường, tiết kiệm chi phí cho cả người lao động và người sử dụng lao động, hài hòa công việc và trách nhiệm gia đình và tác động tiêu cực, ví dụ, thiếu công cụ, thiết bị lao động hoặc quyền bị ngắt kết nối giữa thời gian làm việc và nghỉ ngơi. Hơn nữa, tác giả sẽ nêu bật những lỗ hổng pháp lý tiềm ẩn nào có thể tồn tại trong bối cảnh thay đổi phương thức làm việc ở Việt Nam. Cuối cùng, tác giả thúc đẩy nhận thức về làm việc tại nhà và đưa ra đề xuất về các chính sách có thể giúp những người làm việc tại nhà trong tình hình đại dịch hiện nay ở Việt Nam, chẳng hạn như các quy định chặt chẽ về an toàn tại nơi làm việc khi làm việc tại nhà, các quy định về quyền ngắt kết nối của nhân viên ngoài giờ làm việc và tăng cường chức năng của thanh tra lao động trong việc kiểm tra công ty đang trả lương bao nhiêu và cắt giảm bao nhiêu.

**Từ khóa:** COVID-19, làm việc tại nhà, việc làm, luật lao động, Việt Nam...

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