



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Legal Status of Virtual Workspace in India: An Analysis

Hemendra Singh Khangarot^a Anmol Singhal^b

^aBharati Vidyapeeth, New Law College, Pune, India ^bBharati Vidyapeeth, New Law College, Pune, India

Received 21 January 2024; Accepted 17 February 2024; Published 21 February 2024

The concept of a 'virtual workspace' is a dynamic working environment that transcends physical boundaries. In the contemporary digital era, individuals connect seamlessly irrespective of their geographical locations, redefining the traditional office setting. The virtual workspace leverages the power of the internet and cloud-based applications, enabling employees to collaborate and execute tasks remotely. This paper delves into the implications, benefits, and challenges associated with this innovative approach to work, shedding light on its transformative potential in shaping the future of workspaces in a general context. There has been a significant number of effort being put into, by international organizations such as the International Labour Organisation, which publishes its reports and provides recommendations for the betterment of the working setup in various countries across the globe. As the paper proceeds, it also sheds light on the fact that, in the Indian context, the legal framework and various new policies and strategies can be introduced as well as enforced, which would ultimately touch the international benchmark in the contemporary virtual working era.

Keywords: *virtual workspace, physical work, model rules, cloud-based applications.*

INTRODUCTION

Recent developments in the field of information and communication technology have enabled businesses to start working online, which is commonly known as a 'Virtual Workspace'. The

term 'Virtual Workspace' is generally used to describe a working environment where users digitally connect regardless of their physical location.¹ It is a virtual extension of the traditional office, which enables employees to perform their tasks irrespective of their location rather than being physically present in an office space. However, it is essential to understand that the 'virtual workspace' has no standard and specific definition. Employees in this kind of setup are not located in any one physical location, but they are connected to each other and their work via the Internet and cloud-based applications. This type of working system became common during the pandemic years. The goal of a virtual workspace is to simplify employees' work by organising tasks and data.

EVOLUTION OF VIRTUAL WORKSPACE

Virtual workspace promotes the usage of advanced technology to perform remote work creating a collaborative digital environment where employees can connect seamlessly. This model promotes work-life balance and also promotes variety and innovation. Also, distance is no longer a barrier as professionals can collaborate and easily simulate a global and inclusive work environment. This mode of work has not only boosted efficiency but also opened up doors to new opportunities for talent acquisition and retention. The flexibility provided in virtual workspace is not only beneficial for employees but also a strategic asset for employers, who are looking for top talent that can adapt smoothly to changing market demands. Another factor of boost in virtual work is cost-effectiveness. As the liabilities of physical infrastructure reduce, employers can allocate resources more proficiently, channeling investments into technology and employee development. The hybrid model, combining remote and in-office work, is gaining popularity as organizations recognize the value of flexibility and the positive impact on

¹ 'What is a virtual workspace?' (Citrix) <www.citrix.com/solutions/digital-workspace/what-is-a-virtual-workspace.html> accessed 10 January 2024

employee satisfaction and productivity.^{[2][3][4]} Virtual workspace can be used in most areas but it is very difficult for an employer to employ a blue-collar worker, who works mostly in non-office settings such as construction sites and production lines, in the virtual workspace, as it is hard to imagine how a worker would virtually perform a manual task. Blue-collar workers use very light technology in their work.

The virtual office and the evolution of physical office spaces are not opposing forces but complementary elements to each other in the transformation of work environments. Striking the right balance between virtual flexibility and physical presence is the key to navigating the future successfully. This model of shifting towards a virtual workspace is not only because of outside forces, it's about adjusting to what modern employees need.

EMPLOYMENT LAWS

This 'new normal' of adopting remote work that has been largely accepted by both employers and employees also requires a crucial understanding of the legal implications involved in India.

The legal framework

Labour laws and regulations in India primarily govern the legal framework surrounding traditional employment, a glimpse of such laws is:

Employees State Insurance Act 1948, Employees Provident Fund And Misc. Provisions Act 1952, The Employment Exchanges (Compulsory Notification of Vacancies) Act 1959, Factories Act 1948, Industrial Disputes Act 1947, Labour Laws (Exemption From Furnishing Returns & Maintaining Registers By Certain Establishments) Act 1988, Payment of Bonus Act 1965,

² Kushan Weerakoon, 'How Will Virtual Workplaces Evolve After the Pandemic?' (*Harvard Technology Review*, 05 November 2021) <<https://harvardtechnologyreview.com/2021/11/05/how-will-virtual-workplaces-evolve-after-the-pandemic/>> accessed 10 January 2024

³ 'The Evolution of Virtual Offices and the Dynamic Shift in Office Spaces' (*LinkedIn*) <<https://www.linkedin.com/pulse/evolution-virtual-offices-dynamic-shift-office-spaces-wish-cowork-a0iuf/>> accessed 10 January 2024

⁴ 'The Future of Remote Work: Tech Tools Shaping the Virtual Office' (*LinkedIn*) <<https://www.linkedin.com/pulse/future-remote-work-tech-tools-shaping-virtual-office-ecotence-ggcoc/>> accessed 11 January 2024

Payment of Gratuity Act 1972, Workmen's Compensation Act 1923, Maternity Benefit Act 1961, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 etc. It can be inferred that there is no single legislation that prescribes comprehensive rules and regulations relating to labour laws in India. To fully achieve the rights and duties of an employer-employee relationship, one needs to be familiar with these laws to ensure compliance and mitigate potential legal risks.⁵

Employment Contracts: One of the most important legal implications regarding remote work is employment contracts. There is a vital requirement to update contracts regarding virtual work and to include definite terms and conditions regarding remote work.

An employment contract is a signed agreement between an employee and an employer. It prescribes the rights and duties of both parties: the employee and the employer. As the definition says that agreement specifies all the rights and duties of both parties, comparably when there is a signed agreement between an employee and an employer regarding remote work, it must cover the employee's working hours, location, if the resources/equipment for remote work will be provided by the employer or has to be arranged by the employee only. Since the employment contract is the most important thing in the employer-employee relationship it must include every minute detail such as data security in remote work, intellectual properties, anti-competitive activities, etc.⁶

Workplace Compliance: As per the various Indian labour laws, employers are required to register their workplaces apart from other numerous registers they have to maintain under the respective state labour departments. However, the very idea of remote work arrangements raises questions about the definition of the 'workplace' itself. Why is it important to have a definitive workplace, especially for remote jobs? For contractual obligations and jurisdictional purposes, defining a physical location is very important. The ideal way for employers is to consider the physical location where employees perform their duties in the workplace and that

⁵ 'Decoding the Legal Implications of Remote Work and Virtual Teams in India' (*Upscale Legal*, 12 July 2023) <<https://upscalelegal.com/decoding-the-legal-implications-of-remote-work-and-virtual-teams-in-india/>> accessed 11 January 2024

⁶ *Ibid*

too for compliance purposes. The employment agreement must include the physical location where the employee is working for jurisdictional and compliance purposes for labour laws and regulations.

Employee Benefits and Protections: In various labour laws employees are entitled to benefits and protections enshrined in the constitutional provisions. In the era of virtual workspace, the new normal, employers need to analyse and change their existing policies to embrace these benefits for employees working in virtual workspace culture. Provisions such as employee leaves, working hours, maternity benefits, POSH policies, etc should be imparted and covered in the environment agreement. Clear guidelines must be there for employees engaged in remote jobs to ensure that they become well aware of their rights and duties.

Data Protection and Security: The rise of the digital age and remote work led to increased concerns regarding data protection. Some tools and systems must be there to make sure that data is protected. The data breach will lead to an unfavourable outcome for an employer. To be protected legally, employers must ensure policies concerning data protection in employment agreements and it must be made sure by an employer that remote employees are aware of such policies.

Taxation: A major challenge correlated with remote work is determining the jurisdiction for taxation purposes. Tax obligations may differ depending on whether the remote worker is based in India or working from a different country.

Sexual Harassment: Sexual harassment in remote work environments can be evident in various ways, such as persistent unsolicited messages leading to a hostile work atmosphere or the unauthorised sharing of personal information causing distress. The prevalence of these forms of sexual harassment has increased in remote and hybrid work setups, highlighting the need for strong preventive measures. To address such issues the virtual workspace must have a policy that is based on a hybrid model and not on the traditional model.

Conflict Resolution: Resolving labour disputes and conflicts in a virtual working environment. Conventional methods of dispute resolution could not be practicable or practical for virtually

working employees. Looking into Alternative dispute resolution methods, like online mediation or arbitration, to manage disputes arising in a virtual working environment could be a better choice for both employers and employees. Employers must set up clear rules for dispute resolution to ensure a fair and well-organized process.⁷

To make sure that the provision of working remotely serves both the employee and the employer, the policy needs to be prudently written taking into account specifications. The worker ought to have a strong work ethic. recognize whether the worker has the resources to manage to work from home. Recognize whether their work history fits the position. They must be familiar with the application process. Create a thorough process for any future permissions required from the employee to quickly handle important matters.

India's Labour laws and Labour Codes are silent on this subject and the previous ones are not clear enough to provide a perfect image of legal provisions related to virtual workspace.

The issue is that most organisations do not have well-documented policies and standard guidelines to support virtual work culture. The guidelines on teleworking are named as 'Framework Agreement on Teleworking' that is recognised by the International Labour Organisation under ILO Convention 177, which ensures equal treatment between work-from-home workers and other workers. The concept of working from home is not strange to many developing countries as they have specific laws regarding the rights and duties of employers and employees while working remotely. On the other side, Indian labour laws do not especially recognise this 'new normal' as a legal framework to work.

Code on Social Security 2020: This code defines home-based work as the work that is carried out at the home of employees. However, the definition of work from home is not defined in this code. However, through the internationally set out legal principles and the definition of home-based work, certain facets of work from home can be attempted to address through this Code.

⁷ *Ibid*

INTERNATIONAL LABOR ORGANIZATION'S GUIDELINES ON WORK FROM HOME

COVID-19 has changed the working model of the employment sector as a result virtual workspace is accepted. ILO in January 2021, released a report titled 'Working from home: From invisibility to decent work', addressing the concerns related to working from home. This report focused on the government playing an essential role in preserving work-from-home workers. This report made strong recommendations for adopting policies into the national legislation at the earliest. The key feature of this report is that it suggests a gender-responsive legal framework that aims at providing equal treatment to all types of work-from-home workers. The report suggests better compliance, legal protection, occupational safety and social security for industrial home-based workers. Most significantly it suggests the 'right to disconnect' to a remote worker to make sure that the employee is not over-utilised without paying and it also assures that a line is maintained between work life and personal life.⁸

Contractual Agreements: Flexible Working Arrangements are like a cool tool that helps workers find a rhythm between work and their personal lives. It lets them be flexible with things like when they work, how much they work, and even where they work.⁹

Without government rules to protect, home-based workers rely on their employer's kindness. The established procedure will provide the employee with bargaining power and can ask for their rights from the employer, the absence of specific legislation will leave space for the employer to regulate the work arbitrarily.¹⁰

Remote Work Agreements and Policies: Creating detailed agreements for remote work is important to make sure both employers and employees understand what is expected. These agreements should cover aspects such as the type of remote work, working hours, work location,

⁸ Sajjan Singh Chouhan, 'Work From Home: A New Compliance Alert for Labour Laws in India' (*Tax Guru*, 23 April 2021) <<https://taxguru.in/corporate-law/work-home-compliance-alert-labour-laws-india.html>> accessed 12 January 2024

⁹ *Ibid*

¹⁰ Sarthak, 'Home Based Work-Online Work Environment And Labour Laws in India' (*Legal Services India*) <<https://www.legalserviceindia.com/legal/article-6022-home-based-work-online-work-environment-and-labour-laws-in-india.html>> accessed 12 January 2024

resources and equipment provided by the employer, performance expectations, communication protocols, intellectual property rights, data security procedures, pay leave policies, termination clauses and any other pertinent conditions.¹¹

It is important to have proper job contracts and agreements even when working remotely. Regardless of the workplace, it is crucial for both employers and employees to clearly outline the terms and conditions in writing to ensure and safeguard the rights of both parties.

CHALLENGES TO VIRTUAL WORKSPACE

The concept of virtual workspace has revolutionized the modern workspace, offering flexibility and various opportunities for both the employee and the employer. Employees work in a work-life balance, also the liabilities of the employer decrease when the employee works virtually, but the flexibility of working from home comes with some problems and challenges for both the employee and the employer:¹²

Trust: In increasing the effectiveness of work-from-home trust is necessary. Team members need to trust their leaders, each other and the company, to be productive. Team member's trust is affected by the ability to perceive others directly. Working in a virtual workspace affects the team members' ability to observe others as they lose in both informal and nonverbal interactions. For effective working, leaders need to create and maintain trust and find new ways to be open. Trust is based on a member's values and expectations and can be repaired through communication of explanations, apologies, regrets and forgiveness.

Employee Monitoring: Employers might use tools to check productivity or make sure employees follow company rules. But, monitoring should follow the law to respect privacy rights. It's crucial to communicate clearly and be transparent to handle legal concerns.

¹¹ Judith Ann, 'Remote Work And Employment Law: Navigating Legal Issues In The Virtual Workspace' (Chugh LLP) <<https://www.chugh.com/news/remote-work-and-employment-law-navigating-legal-issues-in-the-virtual-workspace>> accessed 12 January 2024

¹² Chouhan (n 8)

Compliance with Wage and Hour Laws: Working virtually can blur the lines between work and personal time, it is essential to clearly define work hours and overtime policies by employers. It must be made sure by the employers that employees receive the proper compensation, considering factors like time zone differences and applicable local wage laws.

Occupational Health and Safety: Physical distance doesn't diminish the legal and ethical obligation to ensure employee well-being in a remote setting. Ensuring every employee has access to the necessary equipment, feels comfortable addressing ergonomic concerns and knows how to report any potential hazards, is key to creating an inclusive and supportive remote work environment for all. Employers should conduct virtual workspace assessments to identify and mitigate potential risks.

Discrimination and Harassment Prevention: Fostering an inclusive and respectful work environment is equally important in both virtual and in-person settings. Preventing discrimination, harassment, and retaliation is vital, and employers need to implement effective measures to address these issues in the virtual world. To uphold compliance in a remote setting, companies must prioritise education through regular training, empower employees with accessible reporting channels, and establish a robust anti-discrimination policy.

INTERNATIONAL CHALLENGES

Jurisdictional Complexities: In the virtual workspace deciding which jurisdiction's laws and regulations applies to an employee is one of the major challenges. When employees are working from different states or even countries, employers must be aware of different employment laws, tax regulations, and compliance requirements. Understanding the legal segment in each location is important for drafting comprehensive remote work policies. Employers must state in their policies and determine the criteria an employee needs to meet to qualify for remote work.¹³

Synchronous Communication: Synchronous communication, or having the ability to talk in real-time or face-to-face meetings with other team members can be quite difficult when trying

¹³ Ann (n 11)

to manage a global project. Synchronous communication is a critical factor in the success of any global project. Occurrences of problems can be seen especially when finding a regular meeting time, as time is not going to be convenient for everyone to connect due to different time zones. A potential solution to this problem can be setting a time that is mutually agreed upon by all individuals in the team for conferencing.

Document Management: In remote work, documents are shared in large quantities between team members. It is hard to keep track of everything that is created, as documents are shared via different online platforms. It is necessary to keep track of important documents for the scope of the project. All documents must be stored and shared under one roof.

Cultural Differences (Cultural diversity): In global remote working, the teammates must understand each other's point of view. As work is done online it is a challenge that the team faces in how the information will be communicated during work virtually. In a lack of communication norms, team members start using the methods typical in their local setting, resulting in each team member communicating in their own unique way, which leads to a lack of cooperation and insufficient knowledge sharing with other team members.

For example, silence is interpreted as positive feedback in one culture. In contrast, positive feedback is voiced in another culture, and silence signals disapproval and negative feedback. Leaders of global work teams must learn how to understand and handle people from different cultures and adapt their language and messages to team members with different communication traditions. Basic minimum social security for all home-based workers that includes insurance – life and health – childcare, pension, disability benefits, maternity benefits, children’s educational assistance, and housing benefits must be protected.

To sum up, Remote work offers employers and employees multiple benefits, but also comes with different hurdles. To tackle these hurdles head-on, a proactive stance is essential to understanding applicable laws, and a commitment to maintain compliance in the virtual

workspace. Solving these problems gives companies a strong legal base for remote work, so they can enjoy all the perks.¹⁴

However, as the virtual office gains prominence, it is essential to address challenges such as maintaining team cohesion, ensuring cybersecurity, and providing adequate support for remote employees. Striking the right balance between virtual and in-person interactions becomes crucial in preserving a sense of community and shared purpose.¹⁵

EMERGING LEGAL TRENDS IN INDIA

Several legal issues are associated with remote work and navigating them is a challenge for employers. India's laws don't specifically support flexible work arrangements like working from home, remote work, or flexible hours. However, there are also no laws that restrict these practices.

The need for flexible working was explicitly recognized in India by the Maternity Benefit (Amendment) Act, 2017, about working mothers, which stated that in case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to work from home for such period and on such conditions that the employer and woman may mutually agree.

The Indian government took a big step in this direction by amending the rules outlined in Rule 43A of the Special Economic Zones (SEZ) Rules, 2006. The Ministry of Commerce and Industry has introduced an amendment to the SEZ Rules to liberalise the 'work from home' model, allowing all employees of the SEZ unit to work from home. This flexibility is in effect until December 31, 2023.

CASE LAWS

There are some case laws, which relate to the above concept:

¹⁴ *Ibid*

¹⁵ The Evolution of Virtual Offices and the Dynamic Shift in Office Spaces (n 3)

In the case of **Mangala A.G. v Union of India, HIL (India) Limited & Ors**¹⁶, the High Court of Kerala has held that a clear distinction has to be drawn between instances wherein the employee was permitted to work from a different jurisdiction and the employer knowingly facilitated it, promoted the business at that place or conferred benefits for such business. In the event, that the employee is merely permitted to work from his or her home, without anything more provided by the employer itself, it will not confer jurisdiction to the forum state. However, in the event, that the employer has facilitated the work from a different station, with the facilities being provided, it will act as an instance of a positive activity, and thereby the forum state shall acquire jurisdiction. The employer in such cases will be free to include appropriate clauses relating to jurisdiction in the contract of employment.

Another case is the case of **Mini Joseph v State of Kerala, Director of Medical Education & Ors**,¹⁷ The High Court of Kerala has held that the petitioner has conducted online classes (work from home) during the months in question, and the petitioner is entitled to receive the appropriate remuneration as per the agreed employment terms. Further, if the respondent has mandated the classes to be conducted physically, the respondent may decide whether to allow the petitioner to continue conducting classes online or grant special leave to the petitioner at their discretion.¹⁸

The above being the existing laws that cover remote working modules, the Contract Labour (Regulation & Abolition) Act, 1970 specifically excludes an 'out worker' from the coverage under the Act. As per the Act, an 'out worker' to whom the employer assigns any work and such work is performed either at the home of the out worker or in any other premises, which is not in control of the employer.

¹⁶ *Mangala A.G. v Union of India, HIL Limited & Ors* (2021) Civ WP 23423/2021

¹⁷ *Mini Joseph v State of Kerala, Director of Medical Education & Ors* Civ WP No 3426/2013

¹⁸ Suma RV and Shivam Shekhar, 'Work From Home Under Indian Legal System' *Economic Times* (7 May 2023) <<https://hr.economictimes.indiatimes.com/news/workplace-4-0/work-from-home-under-indian-legal-system/98464374#:~:text=India's%20legal%20system%20does%20not,which%20impose%20restrictions%20as%20well>> accessed 15 January 2024

NEW LABOUR CODES IN INDIA

The Model Standing Orders for Services Sector, 2020 recognizes the idea of ‘Work from Home’ and states that an employer can allow an employee to work from home for a duration set by the employer and subjected to restrictions agreed upon by both the employer and the employee. Additionally, according to the Code on Social Security, 2020, a female employee can ask her employer for approval to work virtually, if she has come back from maternity leave and her job allows for remote work.

The Code on Social Security, 2020 defines ‘home-based worker’ to mean a person engaged in the production of goods or services for an employer in his home or other premises of his choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs. ‘Work at home’ may overlap with ‘home-based work’ as described in this Code, where the job is carried out at the worker's residence, even if it is not the usual workplace.

If we consolidate the above provisions, precedents and understanding, it may be construed that employment laws of India do not distinguish between employees working from home and those working from office, save for certain limitations which need to be addressed by the legislation.¹⁹

REGULATIONS AND GUIDELINES FOR VIRTUAL OFFICES IN INDIA

Companies using remote working models in India are required to follow the laws and regulations of the country. Businesses need to officially Register their Virtual offices with the Registrar of Companies (ROC), As It is important to ensure the business operates within legal guidelines and policies as well as fulfills respective tax obligations.

Having a valid registered address for company incorporation is important for virtual offices. Running a physical office is expensive, mainly for early-stage startups. As per the **Companies**

¹⁹ *Ibid*

Act 2013, Businesses can legally operate virtual office addresses as their official registered office for incorporation purposes.

ANALYSIS

Virtual workspaces are seen as complementary to physical office spaces, indicating a shift towards a hybrid work model that combines remote and in-office work. The shift towards virtual work is fulfilling the needs of both the employees and the employers by boosting efficiency as well as cost-effectiveness. There is a need to strike a balance between virtual flexibility and physical presence for successful navigation in the future of work.

India's Labour laws and labour codes are silent on this subject and the previous ones are not clear enough to provide a perfect image of legal provisions related to virtual workspace. Also, most organisations do not have well-documented policies and standard guidelines to support virtual work culture.

- Virtual workspace comes with various legal problems such as Legal framework and policies, Employment contracts, Workplace compliance, Employee benefits and protection, etc.
- Traditional employment is governed by various labour laws and regulations in India, which shows that there is no single rule that specifies a legal framework, a combination of laws and policy is followed.
- Employment contracts are a major concern regarding remote work. Lack of proper contract emerges as disputes and exploitation. Analysis shows that there is a vital requirement to update contracts regarding virtual work and to include definite terms and conditions regarding remote work so that parties become aware of each other's rights and duties and also about working hours, location, resources/equipment for remote work.
- Regarding workplace compliance related to remote workspace, employees are required to register their workplaces because it is important to have a definite workplace for jurisdictional and compliance purposes for labour laws and regulations. The lack of a definite workplace will be confusing in determining jurisdiction.

- Employee benefits and protections in remote work are required, as a lack of these benefits may result in the exploitation of employees.
- With the rise of the digital age, data protection and security concerns are more important in the remote workspace. The violation of data protection can lead to unfavourable outcomes for an employer. An introduction to some data protection tools, systems and policies can be helpful.
- Regarding taxation challenges associated with remote work, the analysis rightly points out the complexities in determining jurisdiction for taxation purposes. The distinction between a remote worker based in India and one working from a different country is a valid concern. However, a more in-depth exploration of potential solutions or strategies for addressing these taxation challenges would enhance the system of taxation.
- The presence of sexual harassment in a remote workspace can be seen through unwanted messages and unauthorised sharing of personal information. This issue can be tackled by developing robust policies and procedures to prevent and address sexual harassment in remote work settings.
- Regarding resolving labour disputes and conflicts in a virtual working environment, traditional methods of dispute resolution cannot solve the problems. Looking into Alternative Dispute Resolution (ADR) methods, like online mediation or arbitration can be preferred.
- The report of the *International Labour Organisation* suggests that there is a need to protect the rights of remote workers in compliance with labour laws. The government can play a major role in this issue. The issue of gender inequality can also be witnessed in remote work. However, addressing gender-responsive policies can be helpful to promote equality among remote workers.
- The issue of safety, security and social well-being in the remote working environment is a major problem highlighted by the report.
- The said report also suggests that the ‘right to disconnect’ of remote workers should be respected by employers to ensure that employees are not over-utilized without paying

and to promote a healthy work-life balance. This can be assured by maintaining a line between work life and personal life.

- Flexible working arrangements give employees more control over their schedule, location and workload, which balances their work and personal lives. Employers and employees should create detailed contractual agreements for remote work that cover essential aspects such as work hours, location, resources, performance expectations, and data security. These agreements should be mutually agreed upon and clearly define the terms and conditions of the remote work arrangement.
- Home-based workers are vulnerable to exploitation without specific regulations. It is the need of the hour that the government enacts specific legislation to empower home-based workers and establish clear guidelines to protect the rights of both parties.
- The legal aspect of remote work states that there are various legal challenges for employers in the aspect of remote work. India's laws are a neutral stance on this topic. However, Some policies and temporary guidelines in support of working from home can be evident, like the Maternity Benefit (Amendment) Act, 2017 and the amendment in Rule 43A of the Special Economic Zones (SEZ) Rules which tries to liberalise the work from home model.

NEW LABOUR CODES IN INDIA

The Model Standing Orders for Service Sector 2020, recognizes the idea of working from home and also defines the condition, that is mutual consent of both parties for working remotely. The code on Social Security 2020 defines home-based workers. The existence of these laws shows that the concept of remote work is not an alien model of working in an Indian legal context.

Businesses operating in a virtual working model in India are bound to follow the laws and regulations of the country. Companies need to register their virtual offices with the Registrar of Companies (ROC) that ensures business operates within legal limits and fulfils tax obligations.

Having a valid registered office for a company is important. The Companies Act 2013, however, says that companies can legally operate virtual office addresses as their official registered offices. Liberal laws like this can help virtual models to grow within legal boundaries.

SUGGESTIONS

Due to the lack of established rules in India, organisations need to take this responsibility into account. The approach that benefits both parties should be codified without delay so that virtual employees can have some rights and seek help if their rights are violated.

- Conducting a thorough review of existing legal frameworks and policies to identify gaps and areas that need to be updated or revised to accommodate remote work by the government.
- Developing comprehensive employment contracts that outline the rights, responsibilities and expectations of both employers and employees in a remote work setting, these contracts should cover areas such as work hours, communication protocols, data protection, and performance evaluation.
- Ensuring that the remote work policy aligns with the jurisdiction of labour laws and regulations in India.
- For data protection and security Establish clear policies and procedures for remote work environments. This should include guidelines for secure data handling, encryption, access controls, and regular audits to ensure compliance with data protection laws.
- Providing guidance and support to ensure compliance with tax regulations for remote workers. This may involve determining the appropriate tax jurisdiction, providing necessary documentation, and facilitating tax filing processes.
- Developing robust policies and procedures to prevent and address sexual harassment in remote work settings by including clear reporting mechanisms, confidential investigations, and appropriate disciplinary actions.
- Implementing alternative dispute resolution methods, such as mediation or arbitration, to efficiently resolve conflicts that may arise in a virtual working environment.

- While dealing with all the other challenges, the employer also needs to ensure the mental, and physical health and overall well-being of the employee.
- With a little insight into the nuances of the laws, any business can smoothly shift to remote and hybrid work.

CONCLUSION

It can be inferred that the concept of a 'virtual workspace' has transformed the traditional office setting. With the extensive development in technology over the years, a collaborative digital environment is quite evidently noticeable. The costs incurred by businesses for physical work setups have been seen comparatively at lower levels. A substantial number of new opportunities have sprouted up in the context of both jobs as well as talent acquisition. Putting ourselves in the shoes of the employees, there has been a significant scope of flexibility in the working schedules that contributed to their efficiency and effectiveness reflected in their work. Nevertheless, it reduces the commutation time and simultaneously promotes varieties and innovations in the contemporary globalised world. Talking of international efforts, the International Labour Organisation, a UN specialised agency, has been contributing to this continuously evolving working model, as it publishes various recommendations on labor-related issues every year. The legal framework in India regarding the same is gradually evolving, and robust policies and guidelines are required to address the legal implications that may arise.