



Casualty Risk Consulting

Ensuring employee health and safety when working remotely

Globally many companies have added remote working options for employees. Whether by choice or by necessity, employers are still responsible for the well-being of their employees.

Remote working arrangements can increase employee satisfaction by providing the flexibility to manage family commitments or engage in personal interests. Many businesses require frequent travel to meet with suppliers and clients, and sometimes employees must travel to other employer offices nearby or overseas. Additionally, employers often establish remote working provisions during a time of crisis within the guidelines of a Crisis Management Plan. While the benefits are clear, these arrangements can also provide challenges for an employer when it comes to ensuring employee safety.

Important notice:

The information and advice provided here does not claim to be comprehensive nor to replace

- consulting an employment attorney for questions related to the specifics of your business and/or
- consulting other professionals relevant for your operations

Ensuring Remote Employee Health and Safety when Working Remotely

What is the employer responsibility when employees work remotely?

Duty of care

- Responsibility for employee safety and security applies as long as the employee is engaged in work-related activity
- Injuries may occur while on a business trip, during a delivery, while visiting a client, and when working from home

Being on employer property is not necessary to invoke a duty of care

Ensure employees are aware of the risks/hazards that may be encountered and of any resources that are available, such as:

- Travel alerts and emergency response services for business travelers
- Risks specific to client site visits, with provision and use of appropriate personal protective equipment (PPE)
- Home office ergonomic assessments

Legal and regulatory perspective

National (and, in some cases, state) laws differ with regard to the definition of covered work-related activities and therefore what would be a valid compensation claim.

- Consult an employment attorney for your specific business location(s)

In certain jurisdictions, legislation has included injuries resulting from “typical actions” that would occur in a normal work day, such as when going to get a drink or coffee, using the restroom, or retrieving work-related materials from another room

What constitutes “work-related” activities when working from home?

Companies that allow remote working must define for employees the expected activities and accepted practices.

These include:

- Acceptable/allowed locations from where work can be conducted (e.g. from employee’s home only, or also other locations)
- Job duties and/or expected deliverables
- Normal working hours with rest periods

Which employment laws apply?

In many federally governed countries, different states/jurisdictions may have their own distinct laws. This means that for employees who live in one state but who work in another, the requirements can be unclear because the regular working office location is in one state, while the employee's remote office may be in another

Determine and define the working jurisdiction for employees that work from home

Generally, the requirements of the jurisdiction in which the employee performs the work is the one that applies and would be consulted. If an employee primarily works from a home office but conducts their work in another state for extended periods of time, then more than one set of regulations may apply. Best practice would be to adhere to the most generous/beneficial practices, which can be verified after consulting an employment attorney.

Best practices when working from home

Create and communicate a work from home policy

- Clearly stating expectations with employees will ensure all parties understand responsibilities when working remotely
- Review the list of expectations with employees to be sure they understand, and follow-up within three months to check-in. An employee may encounter scenarios not covered in the original conversation through the course of setting up his/her remote working routine

Basic elements in a work from home policy

In addition to those already mentioned, a list of expectations would include:

- Whether shared working spaces, co-working locations, coffee shops, and similar are acceptable locations from which to work
- Requirements for ensuring computer/system security, including use of public WiFi, VPN usage, use of asset tracking devices for hardware, etc.
- Expected actions for securing company resources and trade secrets, such as system passwords and whether printed materials should be disposed of securely such as by shredding
- Workstation set-up, specific company provided resources, and the care and maintenance of provided items
- Guidance for taking breaks from the desk, utilizing stretching breaks, standing desks, etc.

Remote working risks like non-remote

- Remote employees encounter many of the same risks that office employees would. These include risks of slips and falls and ergonomic injuries such as carpal tunnel or back and neck strain
- As with employees who work in the office, some workers may be more *at risk* than others. Employers should apply the same duty of care in identifying higher risk employees and mitigating the exposure

Employers and employees may not be aware of these at-home risks

- Employees who use, or carry home, expensive company equipment may be at higher risk for burglary or assault. Such *at risk* employees should be supported by the employer as deemed necessary from a risk analysis
- Employees who work a significant number of hours either standing or sitting may need to be provided ergonomic equipment, such as ergonomic desks, ergonomic chairs, and/or standing mats; determine via a risk assessment
- Employees who work from home and travel to client locations may also face increased safety and security risks, for example when travelling alone, working late/early hours, and/or from driving fatigue. Additional job duties such as these should be discussed and covered in the work from home policy

To learn more, please reach out to your AXA XL Casualty Risk Consulting contact.

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