

Make telework work

Ninety per cent of work-from-home offices are set up badly, resulting in possible risks to employee health and increases in workers' comp claims.

Kate Aubusson explores how organisations can protect their work-from-home employees and their bottom line



Legal obligations

AUSTRALIAN EMPLOYEES ARE SCRAMBLING* to update their working from home policies following Telstra's multi-billion dollar compensation pay-out to an employee who slipped and fell while working from home. Dale Hargreaves slipped down the stairs twice in two months while working on marketing campaigns from her Brisbane townhouse. Telstra denied liability because the falls occurred outside Hargreaves' designated workstation. However, the Tribunal found the shoulder injuries she suffered were work-related.

Employer groups all but predicted the end of remote working, with Queensland Chamber of Commerce and Industry (QCCI) policy manager Nick Behrens commenting the ruling "significantly discourages employers from providing workplace flexibility", but the sky (or the home office ceiling) has not fallen in on work-from-home employees yet.

Employees who work from home, or teleworkers (Telstra winces), are on the rise. Flexible working arrangements are fast becoming an expectation from employees as more and more Australians choose to make the short commute from bed to home office or split their time between home and the conventional workplace. Six per cent of Australian workers work from home at least two days a week, and the federal Communications Minister Stephen Conroy plans to boost their number to 12% by 2020.

Legal experts claim the Telstra ruling could force employers to conduct workplace health and safety audits in the homes, but perhaps this is not a bad thing. As more and more Australians choose to work at home employers need to protect their employees and their bottom line.

The QCCI fears pressure on employers to perform OH&S safety audits at the homes of teleworkers is "a bad outcome for everyone concerned". Not so.

"All this litigation has certainly seen a positive outcome for my business," says Marnie Douglas, director of the national ergonomics assessment company, Ergoworks.

"Post a couple of litigation cases our requests for home services increased by 50% and home consulting is now 20% of all our office consulting," says Douglas. "Companies are starting to realise they need to cover themselves."

With work-from-home requests on the rise, legal advisors are warning employers to carefully consider the legal extension of workplace health and safety laws in light of the successful suit brought forward by a work-from-home Telstra employee.

In considering requests to work from home, Kristin Ramsey, senior associate and Brisbane team leader at Harmers Workplace Lawyers, advises businesses to consider the following:

- Give careful consideration to all work-from-home requests
- Prior to granting any request, complete a detailed, documented risk assessment of the home work environment looking at areas such as environmental factors (lighting, heating, ventilation etc), workplace organisation and layout (including electrical and trip hazards), risks arising in respect of others that may enter the home work environment (such as children) and hours of work
- Establish a comprehensive policy for working from home arrangements, which covers issues such as the requirement for employees to report health and safety concerns or incidents back to the employer and expressly allows the employer to routinely inspect the home working environment; and is signed off on by the employee prior to commencing a work-from-home arrangement
- Keep documentary evidence of requests for working from home arrangements and the reasons why requests were/were not granted
- Implement regular reviews of work-from-home arrangements as circumstances will inevitably change

WORK-FROM-HOME BEST PRACTICE

Home OH&S audits are a positive move for teleworkers as well. Best practice demands this growing group receives the same protection under the 2012 harmonised workplace health and safety laws as their office-bound colleagues.

Consultancies like Ergoworks fulfil a key role for employers and employees who have included teleworking in their business model by minimising the risk of OH&S mishaps in the home.

A physiotherapist, Douglas started her physiotherapy practice and ergonomic consultancy business eight years ago in the heart of Sydney's CBD. Surrounded by offices, and by extension a population of office workers chained to their chairs and glued to their computer screens, the vast majority of Ergoworks' clients needed treatment for desk-related injuries: sore backs, sore necks and repetitive strain injury.

"As a physiotherapist you are often just treating the symptoms," Douglas says. "Then your patients go back to work and crouch over their lap top, or do whatever it was that caused their injury in the first place."

Marnie's TOP TIPS for work-from-home employees



Choose a separate working area for your desk



Ensure the chair is ergonomically sound



Do not work from a lap top. Set up your monitor so that the top of the screen is at eye level



Use a separate keyboard and mouse



Make sure you have a smoke alarm, fire extinguisher and first aid kit



work-from-home employees

Douglas sees ergonomic consulting as a way of preventing work-related injuries instead of simply providing a temporary fix after the fact. "Often ergonomic consulting is a way of finding the cause of an injury. If we can identify a hazard or alter a behavior it can often speed up a patient's recovery."

Ergoworks brings this same ethos to home office consultancy. Douglas' team attends the home of a teleworker and performs a thorough home risk assessment. Working from a checklist, Ergoworks assesses the home workspace and the home itself and identifies potential problems that are taken for granted by employees working in a conventional office space.

"The first thing I do is sit down at the work station, look at its location and run through an ergonomic checklist: chair support, desk space, computer screen height, etc," says Douglas. "Then I would move onto other OH&S aspects. Are there trip hazards? Do they have a smoke alarm, fire extinguishers and a first aid kit? Do they have planned exit routes in case of a fire? What's the lighting like?"

Ergoworks then sends a report to the employee's organisation along with any recommendations. For some companies Douglas compiles an equipment package that includes recommendations for necessities like a good chair, keyboard, pad and mouse.

Estimating up to 90% of home work stations are set up badly, Douglas has a few horror stories to share. "The worst was a desk set up on the bedside table," says Douglas. "A lap top on the dining room table with the limited support of a dining room chair and a lap top on the couch are common risky behaviours. Generally the main problem is the location of the work station and the chair. Most people don't think about what they are sitting on."

ONLINE SELF-ASSESSMENT

The proven success and increasing number of teleworkers has seen Australian employers take on or retain employees living further afield. For organisations with employees

First steps

Here are four key elements an organisation needs to consider in putting together a 'Home-Based Work Agreement':

- 1 Undertake an initial consultation. Discussions need to take place between workers who currently work between the workplace and home and the company's OHS representative to seek views towards implementing a 'Home-Based Work Agreement'.
- 2 Design the 'Home-Based Work Agreement' which also takes into account future employees working from home as their primary place of work.
- 3 An agreement needs to integrate company and workers' obligations, concerning areas of safety, equipment usage, network security and the protection of intellectual property.
- 4 Ultimately the ideal 'Home-Based Work Agreement' needs to be flexible so it should be a document template that fulfils all the requirements of a 'Home-Based Work Agreement' combined with a thorough and comprehensive risk management checklist. It serves to define the nature of the safety and security objectives.

Source: People & Quality Solutions (PaQS)

scattered across the country, undertaking on-site risk assessments can be prohibitively costly (\$300 per home risk assessment). Ergoworks' online home assessment tool, Home Assess, provides a solution (at just \$30-50 per head).

The online self-assessment service has proven to be a cost effective solution for these organisations. "It's like an e-learning module. Employees can sit at their computer, run through the online checklist and implement recommendations," says Douglas. "Their company is then sent a report outlining what on the checklist they have done."

Douglas believes this kind of online self-assessment is "the future of ergonomics in Australia". While Home Assess may not spell the end for teleworker compensation claims, with any luck it might come close.

**scrambling in a manner conducive to OH&S standards, of course*

Statutory duty of care expanded

Under the proposed model OH&S laws – due to be uniformly adopted by the workplace relations ministers of Australian states and territories on 1 January 2012 – an employer's statutory health and safety duties will have much broader operation when work is performed at a worker's home.

Currently, most OH&S laws have legally confined the duty of care to workplaces under the employer's management and control. However, the new model laws will include a clause which extends the statutory duty of care for health and safety, 'as is reasonably practicable', to any area where work activities are carried out.

Under the new model laws, the definition of a workplace has been reviewed to include a place where work is carried out from time to time. Therefore, according to the revised definition, if an employee occasionally works from home, their home may be considered a place of work.

Charles Power, partner and accredited specialist in workplace

relations at Holding Redlich Lawyers, says that while a worker's workplace may include their home, OH&S laws do not require the employer to act on health or safety hazards or risks unless it is reasonably practicable for the employer to do so.

Power says that determining whether it is 'reasonably practicable' for an employer to uphold OH&S standards in an employee's home depends on:

- the probability that the hazard or risk will harm the worker
- the degree of harm that might result
- what the employer knows or ought reasonably to know about the hazard or risk and the ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk
- the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk

In practice: Case studies

HC asks Mark Sinclair, executive manager of people and learning at Teachers Health Fund, and Jessica Hughes, HR administrator at Crown Relocations, about how they are embracing work-from-home employees

Human Capital: What prompted you to adopt working from home practices?

Mark Sinclair: Teachers Health Fund (THF) employees requested increased capability to work from home when the need arises, and technological changes have given employees the capability to work remotely.

Jessica Hughes: Embracing working from home practices has allowed us to retain extremely valued employees who contribute so much to the business.

HC: Which employees choose to work from home?

MS: There are basically two types of employees seeking working from home requirements. The first is employees who are caring for someone at home. The second is those with a temporary physical disability who are able to work but for a short period require recuperation at home.

JH: Many of our employees who work from home live a substantial distance from our office. For example, one employee lives over 100km away. She was facing a round trip in excess of three hours in peak hour traffic each day to get to and from work. Other employees have family responsibilities, so it's easier for them to work from home, sometimes outside of normal business hours when there are other family members around to share the caring responsibilities.

HC: According to Ergoworks, 90% of Australian workers who work from home are doing so under unsafe conditions. Is this a concern for you?

MS: We believe we have either eliminated or mitigated the risks from working from home. Each case should be examined on its individual constituents. For instance, in the case of a disabled worker, the risk was offset by not having the person journey to work.

JH: This is definitely a concern for us both from a risk management and employee wellness perspective. If an employee was injured when working from home and we had performed nothing in terms of mitigating the risks, the company could be exposed to substantial costs, not just financial.

HC: Do the benefits outweigh the risks associated with employees working remotely?



MS: THF believes so. Currently we have 6% of our workforce working from home with another 6% adopting another form of Flexible Work Option – eg, transition to retirement, compressed work week and periods of reduced working week.

JH: Absolutely. There are a number of employees who probably would have resigned due to difficulty getting into the office.

HC: What safeguards are in place to minimise the risk of injury to employees working at home?

MS: We've engaged Ergoworks to complete an initial Ergonomic Assessment of the worksite and we review it every six months. THF also uses 'Home Assess' (an on-line self assessment tool) every 12 months. Additionally, THF promotes that the teleworker staff member does attend the office on a regular basis.

JH: All Crown Relocations employees in Australia who are working from home have now had Home Office Assessments carried out by Ergoworks. We will continue to check in with these employees to ensure the recommendations have been implemented. We will also keep educating these employees to ensure they're continuing with their safe work station. 