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BLOGS

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Telecommuters Are You Thinking About Their Safety?

The latest American Community Survey data shows that just over 2% of the U.S. workforce, not including the self employed or unpaid volunteers, considers home their primary place of work. That's about 2.8 million employees. Some estimates conclude that 20 to 30 million employees work at home at least part time. Many people believe that the number of telecommuters will increase over the next few years as technology improves and employers learn how to adapt to employees who are not present in the workplace.

Issues such as oversight, trust, and the ability to interact are all important to an employer with telecommuting employees. Employers must also think, however, about their responsibility for workplace safety and their potential liability for injuries to those telecommuting employees. Good pre-planning by the employer can help to limit liability.

So, when is an employer responsible for workplace safety and injuries in the telecommuting environment? The Occupational Safety and Health Administration (OSHA) rules say that generally, employers are not held liable for the safety of or required to inspect home offices unless the employer has notice of an OSHA violation that threatens physical harm and imminent danger. However, employers are responsible for

work hazards in the home based office that are caused by materials, equipment, or work processes provided or required by the employer. As for injuries, the Minnesota workers compensation statutes hold employers responsible for work-related injuries, so long as the injury is sustained in the course of employment. Generally, it is up to the employer to demonstrate that the injury fell outside of the course of employment.

What does this mean for employers? Basically, it means employers need to think ahead and create written agreements and policies that address telecommuting. Written agreements with telecommuting employees should clearly state the standards and expectations the employer has regarding work space and equipment. If materials or equipment are provided by the employer, they should be maintained and repaired just as if they were in the workplace. Work processes should be reviewed to make certain that they do not create risk when performed in a home office or other remote environment. In addition, in order to limit workers compensation claims, the Agreements should address the hours of work, break periods, and other standards that will distinguish working time from personal time.