

## Remote Working and Health & Safety: April 13 2021

The requirements to accommodate temporary arrangements for remote working have changed for most organisations in the Community, Voluntary and Not-For-Profit Sector. Despite some easing of restrictions yesterday, the government's publication of the National Remote Work Strategy some months ago sets out plans to strengthen the rights and responsibilities of employers and employees to provide the infrastructure to work remotely. There is now a more permanent need for remote working, thus placing an increased focus on employer obligations to comply with legal requirements for ergonomic training and assessment.

Along with the recently published Code of Practice on the Right to Disconnect there are a number of member Bills at committee stage of Dáil Éireann outlined below, signalling a strengthening of the government's strategy on remote working and a focus on compliance when it comes to the working life and environment of employees.

### **Right to Request Remote Working**

The public consultation on the introduction of the right to request remote work is taking submissions until May 7, 2021 and there is a plan to introduce legislation later in the year allowing the right to request remote working.

### **Equality (Miscellaneous Provisions) Bill 2021**

Proposes to introduce a new equality ground to protect against discrimination on socio-economic status.

### **Working from Home (Covid-19) Bill 2020**

- Proposes changes to contracts of employment – detail expectations for work-related communications outside the hours of work.
- A right to switch off – all time spent outside normal working hours considered *as working time*.
- Suitable home workstation and flat rate payment in the case of certain employees working temporarily from home.

In anticipation of the potential upcoming legislative changes to remote working practices and in accordance with current requirements, organisations must ensure the fundamentals of health and safety requirements are adhered to both now and in the future. In order to do just that organisations in the Community, Voluntary and Not-For-Profit Sectors need to consider the risks that may present from a remote working setting both from a health and safety and personal injury perspective.

## **Employer Responsibilities**

Under the *Safety, Health and Welfare Act 2005*, an employer has a duty of care to provide a safe workspace for their employees regardless of where the employee is working from. Employers are required to provide the right equipment that employees need to carry out tasks in a safe manner, including ensuring computers or electrical equipment is in proper working order. On top of that the necessary training and instruction required to carry out work must also be provided by the employer. It is therefore necessary for organisations to ensure compliance with Display Screen Equipment (DSE) requirements and provide ergonomic training and assessment to avoid breaches of legislation and potential financial liability.

## **Employee responsibilities**

Employees also have responsibilities while working from home including following instructions set out by employers and to communicate and check-in regularly. Employees must also take reasonable care to protect themselves and others from risk of injury or harm during the course of their work and, in the instance of an injury, it must be reported immediately to the employer.

## **Health and Safety Compliance**

Under the current legislation organisations are obligated to maintain health, safety and welfare of employees and manage work-related activities. This means that employers are accountable for the ensuring a safe and suitable workstation. This obligation can seem like a daunting task especially as it concerns employee who are now working remotely, but it is necessary and therefore steps must be taken to ensure virtual training and assessment is conducted by all such employees working from home.

## **Conclusion**

In order to safeguard remote working employees and ensure the fundamentals of health and safety compliance, organisations should act now to implement these requirements. To further explain the aspects of legislative compliance please review the questions and answers below.

## **DSE & Ergonomic Assessment and Training - FAQ**

### ***What is ergonomics?***

Ergonomics is how we interact and fit with objects around us, including workstations. It applies to the design and function of anything that people use in their daily lives and aims to improve, or make more comfortable, how we go about our lives.

### ***Why is ergonomics important in the workplace?***

Ensuring a safe and comfortable workplace increases the productivity, quality, health and wellbeing of employees. It reduces work-related stresses and injuries caused by poor or badly designed equipment and furniture, therefore reducing costs associated with work-related incidents.

***What is a DSE assessment?***

This is an ergonomic assessment of an employee's workstation that includes the surrounding equipment such as computer monitor, keyboard, mouse, chair, software and environment.

***What do employers need to do to comply with the Display Screen Equipment Regulation 2007?***

- Carry out an analysis or risk assessment of employee workstations.
- Provide information to employees in relation to corrective measures that have been implemented.
- Provide training to employees in the use of workstations before commencing work with display screen equipment.
- Perform a further analysis or risk assessment where an employee transfers to a new workstation or significant new work equipment, change of equipment or introduction of new technology.
- Ensure that the provision of an appropriate eye and eyesight test is made available to every employee.

***For employees working from home, are employers responsible for risk assessing the entire dwelling?***

No, the employer is responsible for assessing the immediate workstation of the employee.

***Are employers legally obliged to carry out DSE assessments?***

Yes, DSE assessments are a legal requirement under the current legislation.

***How should DSE assessments be documented to ensure compliance?***

Employers are required to document assessments and should include overview of the tasks completed at the workstation, evidence that all elements of the workstation were included in the risk assessment, details of any issues and corrective actions and a copy of the completed analysis should be provided to the employee.

***Who should carry out the DSE assessment?***

Any risk assessment must be carried out by trained and competent professionals.

***DSE & Ergonomic Assessment and Training – supports for The Wheel members***

Book your subsidised Ergonomic Assessments and Display screen equipment (DSE) training now. For a limited time only, with the generous support of Medtronic, Members of The Wheel will pay €30 per assessment instead of €60. Numbers are limited so secure your place now by contacting Conor Duffy, Adare Human Resource Management via email: [cduffy@adarehrm.ie](mailto:cduffy@adarehrm.ie) or via telephone on (086) 033 0460. Please quote the reference code WHEELDSE.

If you have any further queries, please contact Laura Grimes at The Wheel, [laura@wheel.ie](mailto:laura@wheel.ie)

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