TELEWORKING - OH&S ISSUES FOR EMPLOYERS

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1.0   INTRODUCTION

The use of telecommunications has altered as a result of advances in technological development, social change and changes in the global economy. Changing patterns of employment, including the increase in part-time and temporary employees, has seen the nature of the work environment also change. The workplace can now be just about anywhere. This paper looks at some of the issues involved and proposes some essential OH&S criteria for inclusion in teleworking programs.

Teleworking has been defined as "a flexible work opportunity to work for part of the time at a location away from the usual work base. The location may be at home, at a satellite office near the home, a mobile office, or a combination of these alternatives" (Edwards, 1994, p6).

American estimates indicate that 9 million employees currently work from home, a figure which has increased by 7 million since 1988. On the Australian scene, the Asia Pacific Teleworking Association state that 4 per cent of Australians are currently teleworkers, with predictions that this figure will reach 15 per cent of the total workforce over the next decade. Australian companies currently operating teleworking programmes include Shell, Telstra, Sydney Water, BP Australia and Hewlett Packard (Aust & NZ).

2.0   BENEFICIAL ASPECTS OF TELEWORKING

According to Paul Chung of Telstra, "... telecommuting is not about technology, it is about a culture change in the workplace and in the home, creating new ways to work, to live and to manage business". A review of the potential effects of such change has shown that successful teleworking programs can provide substantial benefits in three main areas.

2.1   Employer

Increases in employee productivity are well recognised and have been estimated at between 20 and 25 per cent (Evans, 1993). Evans believes that this is explained by increased employee motivation, less absenteeism (if mildly unwell, homeworkers usually still work part of the day), and the use of peak performance times. Therefore, employees who are at their best late at night, or early in the morning, can plan their working hours to capitalise on individual productivity patterns.

Reduced operating costs derive from lower overheads for items such as office rental, cleaning, security, energy use (lighting, heating, electricity), car parking, and provision of amenities. These savings can be

quite significant - IBM has reported saving $1.4 billion through its teleworking programme, purely through reduced real estate costs and the closure of excess office space. Teleworking can help retain skilled employees who want to move to a new location (perhaps to escape the daily grind of commuting). According to Mike Annandale of Qantas (1996), there appears to be less attrition of employees due to their partners needing to move for employment reasons, as teleworkers are able to continue in their jobs from another location. There is a tendency for workers to stay with one employer for longer, thereby reducing the company's ongoing training costs.

Teleworking can also give employers the opportunity to employ people with temporary or permanent disabilities who may have problems with transport to and from the normal workplace. There is also a potential to use teleworking as an option in return to work programmes, providing additional workplace flexibility.

Studies have also shown that company morale improves and that teleworkers are often more motivated due to increased flexibility in their working lives. As a result, they feel more able to balance home and work responsibilities. Employers may also stand to gain more effective use of computer and communication technology, and the ability to use remotely located experts.

2.2   Employee

Employees may benefit from financial savings due to reduced travel and meal costs, improved family life, flexibility of working hours, and improved quality of life.

Johnson (1994) argues that the health of teleworkers also improves as the stress of balancing home and work life is reduced. Removing the need to commute to work saves time and energy which can be used to improve productivity, and make extra time available to spend with family members.

According to Edwards,

> *"As people's lives get more complicated, they need the flexibility and freedom to move easily between the two worlds of work and home and to strike a balance. Teleworking is emerging as an effective work practice to meet these challenges and the technology is available to support it".*

2.3   Community

Teleworking can provide significant benefits in the areas of energy conservation and environmental protection. The mere fact that a large number of would-be commuters are no longer travelling to work each day, reduces the need for energy consumption in the areas of vehicle and road manufacture and maintenance, the building of highways, and the use of natural resources needed to produce them. According to Aguilera (1995, p 2), "if the entire labour force of America telecommutes just one day a year, it would eliminate the ozone problems above our major metropolitan areas".

Every year thousands of traffic related deaths occur, with a large number of these occurring on the way to work. A reduction in these deaths and injuries, in addition to less traffic congestion, noise and pollution in both city and suburban roadways, are important environmental side benefits of teleworking.

3.0   POTENTIAL ADVERSE EFFECTS OF TELEWORKING

Disadvantages often associated with teleworking include reduced opportunities for career advancement, social isolation and lack of recognition. As teleworkers essentially work by themselves, both formal (team meetings) and informal communication systems (chatting with colleagues) do not exist as they would in the normal office environment. These communication channels are vital for both keeping in touch with events in the office, and for teleworking employees to maintain a feeling that they are an important part of the organisation.

4.0   OH&S ISSUES

4.1   Duty of Care

OHS legislation in all Australian States and territories has, as a basic underlying philosophy, a duty of care which is imposed on employers to provide a safe and healthy workplace and safe systems of work. Many employers fail to recognise that this duty cannot be delegated and that it applies equally to employees who work from home.

Developments in the industrial relations arena have also recognised this duty of care. Clauses in the Australian Public Service Home Based Work Interim Award (1994) state that:

> *"It is not sufficient for the employer merely to warn employees of a danger, or simply to provide or establish a safe system of work, the employer must enforce and maintain the system of safety, even in relation to experienced employees." (1994, p 16).*

Employees are responsible under OH&S legislation to assist the employer in meeting their statutory duty by implementing and complying with OH&S policies and procedures. Also, they must not place their own or their fellow employee's health and safety at risk.

In the USA, the U.S. Occupational Safety and Health Administration (OSHA) has recently prepared a draft report entitled "Safety for Telecommuters" in which guidelines are established for home office safety. In relation to the employers duty of care, the report states; ".....since the Occupational Safety and Health Act of 1970 covers any work performed by an employee at any workplace within the United States, 'home'

Whilst the practice of teleworking has been slower to establish itself in Australia, steps have already been taken to address some of the issues. The Federal Public Servant Home Based Work (Interim) Award was negotiated between the Public Sector Union and the Department of Industrial Relations in 1994, and was the first agreement of its kind in the world to deal specifically with teleworking. As a Federal Award, it gives status to the employer and employee responsibilities of the Occupational Health and Safety (Commonwealth Employment) Act 1991. In summary, the OH&S provisions dictate that the employer must:

- plan and implement safe systems of work;
- undertake hazard identification, assessment and control;
- provide supervision ;
- train and consult with employees about OHS issues; and
- monitor the adequacy of OHS policies and procedures.

(Australian Public Service Home Based Work Interim Award 1994)

The Award also discusses the application of reasonable practicability and gives guidance on interpretation of the duty of care provisions for employers of teleworkers.

4.2   Workers Compensation

Whilst employer responsibilities under OH&S legislation are relatively clear, the area of workers compensation has raised some interesting issues which must be resolved. The task of determining whether or not an injury occurred in the course of employment is made more difficult if the workplace boundaries, hours of work and other issues are not well defined. For example, is an employee covered by workers compensation insurance if they trip and fall on the stairs on their way to the workstation? Or if they are scalded by hot coffee in the kitchen?

To date, there have been no Australian legal case studies to establish the interpretation of workers compensation legislation where teleworking arrangements exist (Edwards, 1996). Insurance companies in the USA believe there will be an increased potential for fraudulent claims from teleworkers due to the simple fact that there are no witnesses. The grey areas of workers compensation claims for home injuries, including the difficulty in clearly determining whether or not the injury was suffered in the course of employment, are already being tested on a case by case basis in US courts.

However, the continued inclusion of journey accidents in some State legislation may in fact have a positive effect on premiums, as there is a reduced risk of employees being injured or killed during travel to work. A study conducted by the NSW Roads & Traffic Authority (NSW RTA, 1994), found that travel by teleworkers reduced significantly on teleworking days, with employees either not travelling at all, or delaying travel to less busy periods of the day.

4.3   The home work environment

IBM's risk and insurance manager, Jim Conerty, believes that "... the home is the most dangerous place in the world ... It's much easier to have accidents in an environment that has not been engineered from a

The suitability of the home work environment, including location, distractions, workspace, and many other physical requirements of the room will have to be assessed to ensure work can take place without risk to health and safety. Tudor (1995) believes there is the potential for increased numbers of repetitive strain injuries if home workplaces are not established in accordance with the required standards.

4.4   OH&S training

The fact that an employee works from home does not affect the employers duty to provide adequate health and safety training. This training must be provided by a suitably qualified person, with up to date knowledge of the relevant safe systems of work and management of likely hazards.

4.5   Stress

Potential sources of stress that may be identified by those working from home include:

- workload - from high work volume, children and home workloads;
- work pressure - from performing to deadlines;
- isolation - lack of stimulation, social interaction and promotion;
- excessive overtime, shiftwork or working at night;
- uncertainty - due to unpredictable workload, no co-workers, and lack of support from colleagues.

Odgers (1994, p11) has expressed concerns that teleworkers, due to their isolation and "the blurring between home and work", are potentially more susceptible to occupational stress. Additionally, stress management and prevention strategies are often less accessible to home based employees as they are generally workplace based.

4.6   Hazard management

Employers are bound by OH&S legislation to ensure that there are adequate systems in place for the identification, assessment and control of hazards. However, it is important to realise that exposure to occupational hazards may be different in the home than in the traditional workplace.

> *"The implications for the household of hazards that are considered acceptable at work, or that are controlled through particular techniques in the traditional workplace could be quite different because of the peculiarities of the home and the home based office. That could make it more difficult to establish safe work practices" (Odgers, 1994, p7).*

Employers will need to consider the exposure of other people besides the teleworker to the hazards of a home office - for example, the employees' children. Health and safety standards determined for adult workers may not provide adequate protection for children, due to their less developed biological defences and smaller size.

4.7   Working in isolation

Working in isolation can be understood to mean "the performance of individual tasks which are outside other people's field of vision or range of hearing for more than a few minutes" (ILO, 1983 p1163). Teleworking clearly meets this criteria.

The hazards normally associated with office based work, such as poor ergonomic equipment, slips, trips and falls and possibly fire, are compounded when employees work by themselves and have no support or assistance available in the event of an accident or emergency. Employers will need to determine the methods by which they provide employees with the supervision, instruction, information and training that is reasonably necessary to ensure their health and safety when working alone.

4.8   Consultation

Difficulties may be encountered in providing teleworkers access to consultative mechanisms specified in some State OHS legislation. Traditional workplace provisions include occupational health and safety committees, trade union delegates who may represent them on health and safety matters, and well defined employer/employee responsibilities. As home based work is performed in isolation from other members of a workgroup, access and participation in decision making, policy and procedure development, is made all the more difficult.

5.0   ESSENTIAL OH&S ELEMENTS OF TELEWORKING PROGRAMS

To enable employers to fulfill their statutory duty of care, it is clear that a well-defined management system for OH&S needs to be established. Some essential components relating to occupational health and safety include:

5.1   Program Consultation

Ensuring adequate consultation between all employees, the employer and any relevant unions is essential before a teleworking programme is adopted. Effects of the programme on office based workers will need to be assessed. Regular feedback, both individually and with groups of teleworkers, should also involve office based staff.

5.2   Documented agreement

A documented teleworking agreement is needed which addresses all aspects covered in this paper, and also documents the OH&S responsibilities of both the employer and employee.

5.3   OH&S Policy and Procedures

Management must ensure that safe working procedures are established and followed. Procedures should clearly specify OH&S responsibilities of management, supervision and teleworkers.

5.4   The home-based office

An area specifically designated as a home office is preferred, as this delineates the physical and mental boundaries of the workplace. To ensure all reasonably practical steps are taken to ensure a safe and healthy work environment the following will need to be assessed:

- lighting - illuminance, reflections, position of VDU screen, glare;
- room climate - ventilation, artificial heating, cooling;
- noise - both external and equipment noise;
- workplace layout and space requirements, access to equipment, distraction free room/area;
- ergonomics of furniture and equipment- chair, desk, VDU height and distance, footrest;
- fire safety - including the presence of smoke detectors and a possible alternative exit;
- electrical - sufficient power points, earth leakage protection for work room, position of cables and other hazards.

Initial inspection of the home workplace should be done by an OH&S practitioner to assess the suitability of the home office, and provide advice on reducing any identified OH&S risks. This inspection should be done before teleworking begins and at intervals thereafter. Organisations contacted for this review, without exception, engaged the services of an OH&S consultant to conduct the initial home office inspection. (Qantas, Nortel, NSW RTA, Hewlett Packard). At the NSW RTA, the consultant was also to provide

teleworkers with OH&S information relating to posture and workstation ergonomics, and a report to management detailing both short term and long term control options for any identified hazards.

5.5 Healthy and safe work design

Employers should refer to the relevant Australian Standards to assist them in setting up a healthy and safe home office. For example, workstations need to be established in accordance with AS 2713 (Lighting and the visual environment for screen based tasks) and 3590 (Requirements for screen based work stations: parts I, II and III). These, and many other Australian Standards are given status under State and Federal OH&S legislation.

Other Regulations, such as those which relate to electricity, plant and equipment, and use of hazardous substances, will also need to be reviewed at a State level to assist employer compliance in the home workplace.

The NSW RTA (1994) found, on initial inspection of proposed home offices, that most chairs required replacing as they did not meet Australian Standards. Many of the home offices also required improved lighting or the addition of task lighting.

5.6 Working in isolation

The potential social isolation of teleworkers needs special consideration, from both a social and a safety perspective. For teleworking to be successful, it is vital that work links are maintained by keeping teleworkers linked into the social and information networks of the office. In keeping with this requirement, any relevant company communications should be distributed to teleworkers just as they would be in the office. This will reduce any feelings of isolation and keep them up to date with goings on in the central workplace.

Agreements will need to specify the days per week when the employee will work in the central office and communication routines for checking in at the office on teleworking days. Regular communications such as team meetings need to be scheduled to keep both parties up to date with company/work activities, and social events. These forums may also provide a regular venue for consultation on OH&S issues. For some companies, teleworking has resulted in more structured and organised communication, which has had positive effects on productivity.

5.7 Inspection and maintenance of equipment

Inspection and maintenance of home office equipment is needed to ensure compliance with relevant OHS legislation and Australian Standards. As mentioned, employers would be wise to establish prompt and reliable technical backup and IT support for teleworkers, to enable them to operate effectively and have equipment maintained in a safe condition.

5.8 Accident/Incident Reporting

Mechanisms should exist to allow and encourage accident/injury and incident reporting, to enable prompt control of recognised hazards and the early treatment of injuries. Where possible, procedures which follow existing reporting arrangements within the organisation are encouraged.

5.9 Workers Compensation

Teleworkers will be covered under workers compensation legislation for injuries arising out of, or in the course of their employment. The days and hours of work should be recorded and coverage during normal work breaks clarified. According to the NSW Workcover Authority,

> *"Whether a home based worker injured at home was actually at work at the time of the injury would be determined using the usual sources of compensation evidence, such as reporting procedures and medical evidence" (1995, p3).*

It is essential therefore, to establish effective communication strategies and reporting systems to enable early intervention in the event of a claim.

5.10 Rehabilitation

Employers will need to update their rehabilitation procedures to include strategies for teleworkers, and to clarify how and where rehabilitation following injury will occur.

5.11 Manual Handling

Strategies to reduce the risk associated with manual handling may be needed. Hewlett Packard (1996) have specified in their teleworking agreement that where possible, any heavy object that needs to be transported should be done with a lifting aid or another person.

5.12 OH&S Site inspections

The employer is required to undertake regular home visits for the purpose of ensuring the maintenance of a safe workplace. Teleworking agreements will need to specify the minimum notice to be given to the teleworker to avoid privacy conflicts.

5.13 Stress management

Potential sources of stress for the teleworker and coping strategies to address them are important OH&S issues to resolve for both the teleworker and employer.

5.14 OH&S Training

OH&S training requirements will need to be determined, and should include:

- OH&S policy and safe working procedures;
- Clear OH&S responsibilities of all parties;
- Training relevant to the established safe systems of work;
- Accident and incident reporting procedures;
- Dispute resolution procedures;
- Particular hazards associated with home based office equipment;
- Prevention of repetitive overuse injuries and warm up exercises;
- Injury management and rehabilitation;
- Handling, storage and use of any hazardous substances used in the home workplace.

Mechanisms will need to be established to ensure employee OH&S training is understood, evaluated, and documented.

5.15 Record Keeping

Documentation and record keeping in OH&S management are just as important in the home office as the traditional workplace. Employers need to be able to **show** they've done it, rather than just **say** they have. OH&S training, safe working procedures, injury reporting systems, equipment inspection and maintenance, and site inspection records are just some of the records which will need to be kept.

5.16 Monitoring and Review

Employers are required to monitor the effectiveness of the OH&S program, and to keep up to date with current knowledge and management of workplace hazards. Periodic reviews of the system will need to take into account changes in work methods and organisation (such as numbers of employees teleworking), equipment, and the work environment.

5.17 Networking

Organisations considering the implementation of a teleworking program would be wise to seek out other teleworking companies and learn from their experience in managing OH&S risks. A small but growing number of resources have been developed, in both the public and private sector, to assist employers with sample policies and proformas, advice on teleworking agreements, and tips for telecommuters.

6.0   CONCLUSION

The seemingly simple move of the workplace to a remote location has significant implications in the areas of insurance, taxation, human resources, and industrial relations. Nevertheless, there are increasing numbers of organisations looking to implement teleworking programmes as a means of achieving increased productivity, reduced costs and workplace flexibility.

Benefits to employees and the community include reduced travel and meal costs, work hour flexibility and improved quality of life. Communities also benefit from reductions in pollution, traffic and noise.

Some general issues for employer consideration include security, performance management, selection and management of teleworkers, training and equipment provision.

The isolation of employees from the central workplace has been identified as a potential problem requiring effective communication and management strategies to minimise any adverse impact.

It has been established that the duty of care imposed on employers under OH&S legislation is not diminished or altered by the fact that the workplace is in the employees home. It is clear then, that management need to develop effective OH&S management systems and procedures to ensure the health and safety of teleworkers.

A documented policy covering all aspects of telecommuting is vital if all parties are to understand their responsibilities and fully support the teleworking programme. Procedures for the management of OH&S issues, which cover areas such as those discussed in this paper, should be included in teleworking agreements.

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