MARSH

Obscure Workers, Clear Exposures: Managing the Risks of a Telecommuting Workforce

When an employee is injured at the workplace, it's typically a pretty straightforward workers' compensation claim. But what if the office is at home? More people than ever are telecommuting. And while this trend can benefit both companies and employees, it can also complicate workplace injury claims.

Working from home is no longer a rare occurrence. In fact, close to a quarter of employees work from home on an average workday, according to the Bureau of Labor Statistics. As the world becomes more connected, it is expected that telecommuting will increase as both employers and employees recognize the benefits of telecommuting arrangements.

But when employees are not working from a company's own premises, employers generally have the same exposure to liability from work-related accidents as they would if the employee was working on site. And they face additional challenges that do not apply to non-telecommuting workforces, including a lack of oversight on employees' work environments. How can managers be sure that employees are working? Is company-provided equipment being used correctly? Does a worker's home present additional risks? And is an at-home work environment too distracting?

A second challenge is that telecommuting blurs the lines between working and nonworking hours. Are employees working the agreed-upon number of hours? Does the lack of distinction between working and nonworking hours lead to reduced productivity?
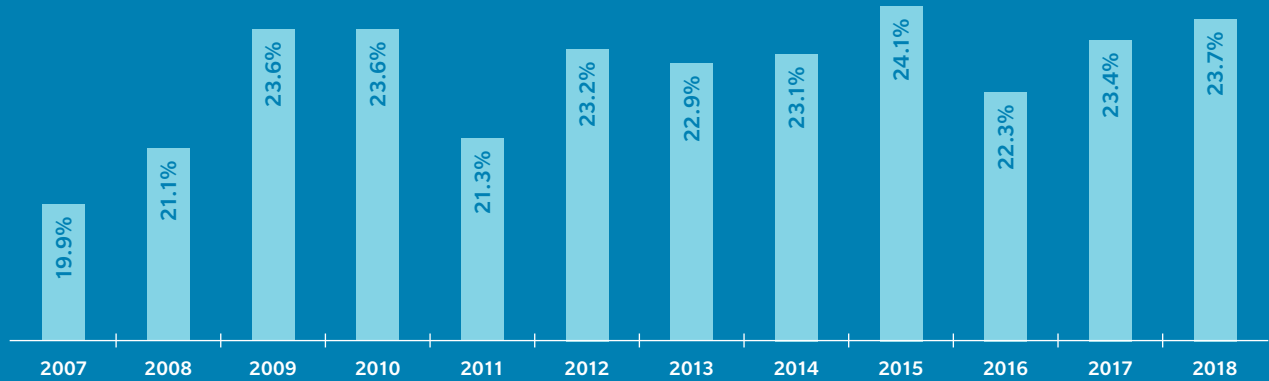
A telecommuting arrangement can also increase the potential for fraudulent claims. When a worker is injured on a company's premises, there is a good chance that the injury is either witnessed by other employees or caught on camera, allowing employers to better determine whether that injury took place in the course and scope of work. But because telecommuters work off site, and often work alone, there is generally a lack of witnesses. This makes it difficult, if not impossible, to disprove that an injury happened in the course or scope of employment.

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FIGURE
1
Telecommuting on the Rise

US employees working from home at least part of the time

Year	Percentage
2007	19.9%
2008	21.1%
2009	23.6%
2010	23.6%
2011	21.3%
2012	23.2%
2013	22.9%
2014	23.1%
2015	24.1%
2016	22.3%
2017	23.4%
2018	23.7%

SOURCE: BUREAU OF LABOR STATISTICS

*Regular telecommuting has gone up by **140%** since 2005.*

SOURCE: GLOBAL WORKPLACE ANALYTICS

*Around **50%** of US employees hold jobs compatible with at least partial telework.*

Telecommuting Benefits

EMPLOYEES

- Reduced commuting costs and lower carbon footprint.
- Better work-life balance.
- Flexible working hours.

EMPLOYERS

- Lower overheads.
- Increased worker productivity.
- Larger recruitment pool.
- Higher retention rates.

Navigating the Telecommuting Landscape

Repetitive stress injuries, slips and falls, and mental health issues are the most common claims by telecommuters. Fortunately, there are steps that organizations can take to reduce exposures that arise from telecommuting.

Most importantly, companies with a work-at-home workforce should establish clear telecommuting policies. This starts by defining who is designated as a telecommuter — for example, by determining a minimum percentage of time that needs to be worked from a home office. A telecommuting policy should include:

Eligibility criteria. Clearly outline who qualifies to work remotely and make clear that an option to telecommute may be withdrawn at any time. In cases where the opportunity to work remotely is not being offered to all employees, explain the rationale behind this decision.

Work hours and productivity expectations. Define the working hours of telecommuting employees, especially if they have a flexible schedule, and outline productivity expectations, clarifying how their output will be monitored.
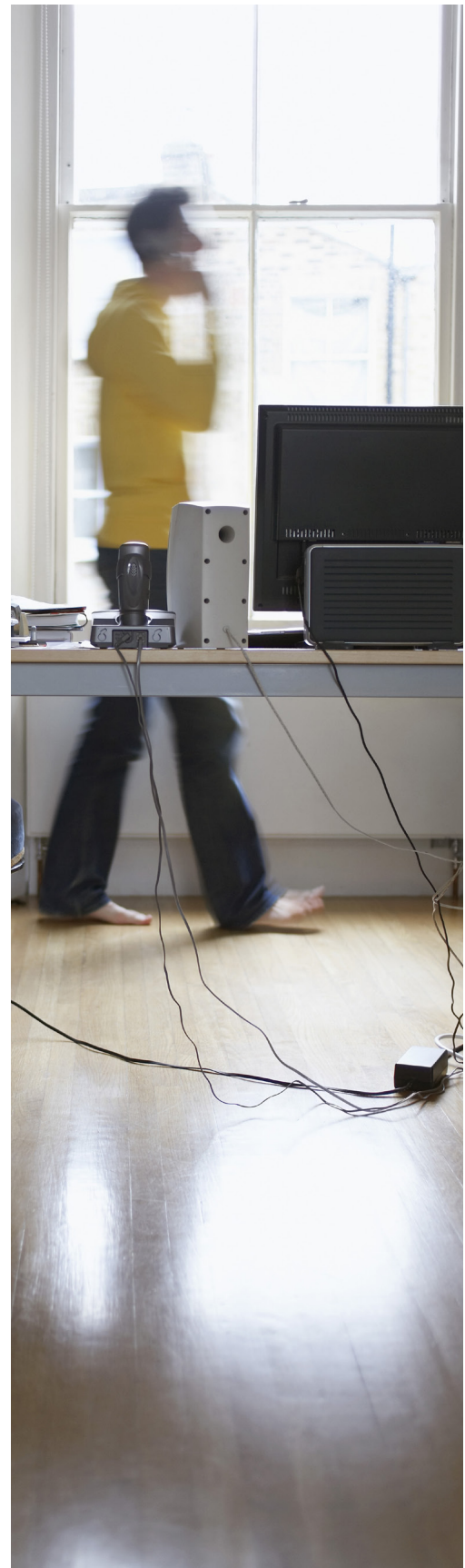
Specific guidelines for work-at-home arrangements. Clarify whether any particular work arrangements are required — for example, whether telecommuters need to have a designated work area that is separate from their living space, uninterrupted access to high-speed internet, work delivery schedules, hours of guaranteed availability, and performance evaluation criteria. These guidelines and policies must be monitored regularly and reviewed as necessary.

Required security standards. Especially in cases where employees are in possession of confidential consumer data, the policy should outline the requirements for securing company equipment and information, including banning employees from working in public areas, like coffee shops or shared workspaces.

The above, together with other expectations, should be discussed with employees as early as the interview and onboarding process — or, for employees who started as in-office workers, as soon as a telecommuting arrangement commences. Managers or human resources personnel should underline that although telecommuting workers are off site and may work different hours, they are responsible for adhering to company expectations when it comes to their job performance.

It is also imperative that managers themselves receive training and become familiar with the company's telecommuting policy, the process for formally approving and implementing all telecommuting arrangements, and how to manage remote workers.

Maintaining a Safe Workspace

Although a telecommuting employee's office tends to be outside of a company's premises, an employer can still be liable for injuries that occur while the employee is working. Thus, it is essential that an employee's workspace is as safe as possible.

One action that companies can take is to develop and share a safety checklist (see sidebar) that reviews common safety issues and provides recommendations on how to avoid them. For example, a checklist can guide employees in setting up an ergonomic workspace and explain how to safely use company equipment, as well as underlining the importance that floors are free from trip hazards, like computer cords.

Repetitive trauma injuries can be commonplace even among workers who have largely sedentary jobs. Since a properly set up ergonomic station can go a long way in preventing repetitive stress injuries and other health problems, organizations can offer — or even require — remote ergonomic assessments to help telecommuting employees ensure they have the right setup in place. Employers should also determine whether to provide ergonomic equipment to minimize the potential for repetitive stress claims. This brings with it the issue of expenses: What equipment will the company provide? How much will it cost? And how much will it cost to ship it to an employee's home and get it back if the employee is no longer working for the company?

Most telecommuting agreements now put the onus for maintaining a safe and ergonomic workspace on the employee. For example, while a company can provide tools and even funding to support an ergonomic setup, the telecommuting agreement needs to be clear that the employee is ultimately responsible for his or her own safety. It is also important for companies to emphasize that the employee, and not the employer, is responsible for any injuries sustained by non-employees, including members of the employee's family.

Finally, it should be the responsibility of the human resources department to ensure that all local laws and company practices are adhered to, making it essential for HR to be involved in approving all new telecommuting agreements.

Regular Communication Remains Crucial

Out of sight should not mean out of mind. It is essential that telecommuting employees are given the necessary tools and resources to have a good line of communication with their superiors and the rest of their teams. This could be achieved through video conferencing technology for scheduled meetings and screen-sharing tools for collaborative projects. Instant messenger platforms allow for quick and easy communication and help remote employees feel like they are part of the team.

Software is also available to monitor an employee's activity on their work computer, which can raise the alarm if a telecommuter has been away from their desk for a prolonged period or is not following regular working habits — for example, not logging in at their usual time. This can be a signal for a manager to check that the worker is not injured or sick, and is especially effective for employees who spend long periods of time on their own or live alone and might not have anyone to raise the alarm if something happens to them.

Since telecommuting brings an inevitable mix between a worker's personal and business life, having open lines of communication becomes all the more important. A sound communication strategy increases the likelihood of managers finding out about incidents early on. Additionally, regular communication can help managers better understand an employee's work setup, which can be beneficial when trying to establish whether an injury was in fact work-related. And finally, through regular interactions, managers can learn early on whether an employee needs support, for example ergonomic equipment, to avoid potential injuries.

MANAGING WORKERS' COMPENSATION CLAIMS AMONG TELECOMMUTERS

While the process of managing a telecommuter's workers' compensation claim is the same as for an in-office worker, companies can improve claims outcomes for telecommuters by:

- **Establishing a reporting timeline.** Since injuries will happen outside of the company's premises, there is the risk of a lag in reporting. Organizations should emphasize that injuries must be reported within an established timeframe, preferably within 24 hours.

- **Directing care to effective providers where possible.** Early treatment and care can help with quick recovery. In states where it is legal, consider introducing telehealth. Where possible, employers should provide health care providers with an employee's job description and physical demands of the job to facilitate the return to work process.

- **Considering bringing employees back to the office.** If a recovering employee has certain physical requirements that cannot be addressed at home — for example, the need for a standing desk or other accessibility options — it might be a good idea to find them space within an office during the recovery process.

- **Leveraging visual technology.** A major challenge in managing workers' compensation claims among remote workers is the limited ability to determine whether they are in pain. One solution is a video-based nurse triage system or encouraging managers to conduct meetings and check-ins via video conferencing.

For more information, visit marsh.com, contact your Marsh representative, or:

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