



Health and Safety Bulletin

Homeworking

Articles in this newsletter:

- Homeworking
- Useful COVID-19 links
- Case law update
- HSE back to work following easing of lockdown

Useful contacts:

HSE website
www.hse.gov.uk

HSE Books:
PO Box 1999
Sudbury
Suffolk
CO10 2WA
Tel: 01787 881165

Environment Agency
website:
www.environment-agency.gov.uk

As a result of the COVID-19 pandemic, many workers have been working from home - some people may never have done this before (or expected to do it for so long!) and therefore they and their employers may be unfamiliar with the risks and who has responsibility for any legal duties related to health and safety whilst homeworking.

Legal requirements

Homeworkers and their employers have legal health and safety duties, however, with the work being carried out in premises over which the employer has no control, the application of the duties may change. For example

- Risk assessment - employers still have a duty under the Management of Health and Safety at Work Regulations to identify significant risks, however it is impractical for an employer representative to visit each person's home, and probably not something that many homeworkers would encourage! Many employers develop a combined risk assessment/guidance document that homeworkers are asked to go through and confirm they understand their responsibilities or use it to raise any concerns they have with their homeworking situation
- Electricity – since the work is taking place in their premises, it is the homeworker who has the responsibility to ensure the electricity supply is suitable for the work taking place. If the employer provides work equipment (this would include computer equipment and peripherals), the employer is responsible for ensuring it is fit for purpose under the Electricity at Work regulations and the Provision and Use of Work Equipment Regulations. Common controls are likely to include Portable Appliance Testing (PAT), but workers should also be made aware that with homeworking and the varying conditions in which it takes place, homeworkers should be visually inspecting their equipment before use just to check there has been no damage, for example, by the dog chewing the supply cable
- Display Screen Equipment (DSE or computer workstations) – this is covered under the Health and Safety (Display Screen Equipment) Regulations. In normal circumstances there is a legal requirement to assess DSE and the environment in which it is used, however, during the pandemic the HSE has issued a variety of guidance, including a page for homeworkers that states "... there is no increased risk from DSE work for those working at home temporarily. So, in that situation employers do not need to do home workstation assessments." Employers should, however, provide guidance to employees on best practice for setting up a workstation and encourage workers to carry out regular stretching exercises and/or alternative activities (such as getting up and walking around while making telephone calls)
- Other safety hazards – only the homeworker will know all the circumstances associated with their situation, for example, any additional hazards associated with other adults/children using the premises or with the furniture available. Employers can help homeworkers to consider these issues through the risk assessment/guidance document – but employees do have the responsibility to take reasonable care of their own health and safety, and that of other people who may be affected by their activities at work under the Health and Safety at Work etc. Act
- Other health hazards –the UK Government guidance advise employers to arrange for homeworking where practicable, but also recognise that there are mental health risks associated with the isolation associated with lone or remote working. Employers are encouraged to keep in touch with homeworkers regularly to monitor whether they are being affected

Conclusion

The "new normal" is a phrase currently being used frequently in the media and at present – and for many office workers this is likely to include more homeworking. Employers have the same health and safety duties towards homeworkers, but less control of the environment, which means the approach to risk management is different.

Recently issued health and safety information:

- HSE Safety alert for maintenance work of vehicle suspension systems
<https://www.hse.gov.uk/safetybulletins/air-suspension-systems-on-vehicles.htm>
- INDG73(rev4) Protecting lone workers: How to manage the risks of working alone
<https://www.hse.gov.uk/pubns/indg73.pdf>
- HSE's chemical hazard poster
<https://www.hse.gov.uk/pubns/priced/chemicals-poster.pdf>
- AM1 Asbestos in some types of marble and other stone: assessing the risk
<https://www.hse.gov.uk/pubns/am1.pdf>
- Get a Grip ladder safety pack
<https://ladderassociation.org.uk/infopack/>
- Mental health in agriculture
<https://www.hseni.gov.uk/sites/hseni.gov.uk/files/the-little-book-of-minding-your-head.pdf>

COVID-19 links

We have tried desperately not to focus solely on COVID-19 in the Bulletin, but we wanted to highlight some websites that you may find useful.

- UK Government working safely during COVID-19 guides
<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>
- Chartered Institute of Ergonomics and Human Factors infographic on DSE homeworking
<http://covid19.ergonomics.org.uk/media/CIEHF%20WFH%20Infographic.html>
- Out of Hospital Cardiac Arrest Guidance during COVID-19 from the Resuscitation Council UK
https://www.youtube.com/watch?reload=9&v=f4Z11Pasmks&feature=emb_title
- HSE guide talking with your workers about COVID-19
<https://www.hse.gov.uk/news/assets/docs/talking-with-your-workers.pdf>

Case Law update

This bulletin focuses on prosecutions associated with failure to control legionella risks

Two employees, two agency workers and a local resident fell seriously ill with Legionnaires Disease caused by a car parts manufacturer's failure to effectively manage its water-cooling systems within its factory. This allowed the legionella bacteria within the water supply to grow to potentially lethal levels. The company was fined **£800,000** and ordered to pay costs of **£75,159.73** and a victim surcharge of **£120**

An international engineering firm, which refurbishes turbine blades, has been fined for failing to manage the risk to public and employees of bacteria growing in their cooling towers for over a year. The issue was identified when a Health and Safety Executive (HSE) inspector felt spray on his face, saw the yard's surface was wet and that nearby

cooling towers were corroded on a routine inspection visit. During the case, the court was told a laboratory analysis of a water sample had found legionella bacteria levels to be so high that immediate action was required to clean the system. The company was fined a total of **£110,000** with **£77,252** costs

A company was fined **£75,000** and ordered to pay **£28,393** in costs after a HSE investigation found it had been operating two cooling towers on site without taking appropriate measures to control the risk of proliferation of the bacteria for over six years. The risks from the operation of the cooling towers had not been assessed, there was no written scheme, the towers were in poor condition, drift eliminators to reduce the spread of aerosol were missing, there was no water treatment programme in place and staff had not been trained to appreciate and manage the risks

About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.

We have been supporting many of our clients with their COVID-19 risk assessments and briefing the findings to their employees, so please contact us if you need help.



HSE back to work following easing of lockdown

The HSE has recently announced that their spot checks are resuming imminently – they were suspended in March following the lockdown announcement. The HSE has been given an extra £14 million by the

Government for additional call centre employees, inspectors and equipment during the easing of lockdown. In early May, the agency reported that it had received more than 4,500 complaints associated with

the management of COVID-19 risks since 9th March 2020, and that it would use enforcement notices to those organisations that do not comply with social distancing rules.



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