

# The respect of OSH principles as a fundamental basis to successful Telework and Remote Work

The Future of (Remote) Work after Covid-19

19<sup>th</sup> November 2021, Brussels

Aude Cefaliello, Researcher in Working conditions, health and safety (ETUI)

[acefaliello@etui.org](mailto:acefaliello@etui.org)

**etui.**

# Introduction

Covid-19 pandemic created a momentum to continue the implementation of telework agreements, even when it won't be required for public health reasons.

**Question:** How can we guarantee that this “future” work organisation is safe for the workers?

## Literature on Telework (TW) and Occupational Health and Safety (OSH)

- Pre-pandemic studies – Montreuil, S. and Lippel, K. (2003) noticed that home based telework is seen by workers as having a **positive effect** on their health, although potential problems arose from **workstation design, long hours** and **isolation**. They also identified some concerns on the effective application of the legal provisions on OSH prevention and compensation for injury to home based telework.
- “Post”-pandemic studies – Buomprisco, G. et al. (2021) : *The main hazards for the health of teleworkers are: the unavailability of ergonomic work equipment and a **dedicated working area**, the risk of **overwork**, and **psychosocial implications of working from home**. Performing telework can affect both physical and psychosocial health but some authors also described potential **health benefits**.*

# Introduction

Covid-19 pandemic created a momentum to continue the implementation of telework agreement, even when it won't be required for public health reasons.

**Question:** How can we guarantee that this “future” work organisation is safe for the workers?

## Literature on Telework (TW) and Occupational Health and Safety (OSH)

- Pre-pandemic studies – Montreuil, S. and Lippel, K. (2003) noticed that home based telework is seen by workers as having a **positive effect** on their health, although potential problems arose from **workstation design**, **long hours** and **isolation**. They also identified some concerns on the effective application of the legal provisions on OSH prevention and compensation for injury to home based telework.
- “Post”-pandemic studies – Buomprisco, G. et al. (2021) : *The main hazards for the health of teleworkers are: the unavailability of ergonomic work equipment and a **dedicated working area**, the risk of **overwork**, and **psychosocial** implications of working from home. Performing telework can affect both physical and psychosocial health but some authors also described potential **health benefits**.*

## Health impacts of telework, specificity of pandemic COVID-19 related containment and key prevention measures for employers (Bouziri et al., 2020)

Family of risk	Effect of telework	Amplification or reduction in the context of Covid-19 related containment	Key prevention measures for employers
Risks associated with transportation	Decreased	None	-
Risks associated with home working environment	Increased risks associated with housing (fire, and slip, trip and fall hazard, temperature conditions)	Amplified (lack of anticipation)	Diffusion of simple, pragmatic security messages
	Increased risks associated with workstation (musculoskeletal pain)	Ambiguous (potentially amplified due to the lack of anticipation, poorly suited home working environment and reduced physical activity, but short duration of exposure)	Diffusion of simple, pragmatic messages on ergonomics, financial contribution to adapted equipment (adjustable chair and computer station); promotion of physical activity
Psychosocial Risks	Increased risks of social isolation in the professional sphere	Reduced (universalization of telework)	Adoption of virtual collective working periods (teleconference)
	Increased risk of blurring of boundaries between work and home time	Potentially amplified by the multiplication of non-work-related tasks such as caring for children and facilitating home schooling	Adapt working time and schedule for workers ensuring home childcare
Behavioural risks (diet, sleep, addiction)	Ambiguous	Amplified (confinement, covid-linked anxiety)	Allow and promote teleconsultations with occupational practitioners.

# Covid-19, Telework and Occupational Health and Safety

## Telework as a OSH preventive measure to protect from Covid-19

- Context: Risk to prevent was/is to prevent the spread of Covid-19 amongst workers.
- Legal Framework: Framework Directive (89/391/EEC) – the employer must ensure the safety and health of workers in every aspects related to work. He/she should assess the risks and then adopt collective and individual measures to eliminate or reduce the risks. The development of a coherent overall prevention policy covers organization of work and working conditions.
- Measures: Telework (whenever possible) was the best way to re-organize work to maintain social distancing and eliminate/reduce the risk of contamination. The problem is that the “solution” has not been assessed as a potential risks itself.

## OSH preventive measures arising from Telework

- Context: An increasing number of companies are planning to have structural partial telework arrangements.
- Legal Framework: Dir 89/391/EEC, and the European Framework Agreement on Telework adopted in 2002:

*HEALTH AND SAFETY THE EMPLOYER is responsible for the protection of the occupational health and safety of the teleworker in accordance with Directive 89/391 and relevant daughter directives, national legislation and collective agreements. The employer informs the teleworker of the company's policy on occupational health and safety, in particular requirements on visual display units. The teleworker applies these safety policies correctly. In order to verify that the applicable health and safety provisions are correctly applied, the employer, workers' representatives and/or relevant authorities have access to the telework place, within the limits of national legislation and collective agreements. If the teleworker is working at home, such access is subject to prior notification and his/her agreement. The teleworker is entitled to request inspection visits.*

# Covid-19, Telework and Occupational Health and Safety

## Telework as a OSH preventive measure to protect from Covid-19

- Context: Risk to prevent was/is to prevent the spread of Covid-19 amongst workers.
- Legal Framework: Framework Directive (89/391/EEC) – the employer must ensure the safety and health of workers in every aspects related to work. He/she should assess the risks and then adopt collective and individual measures to eliminate or reduce the risks. The development of a coherent overall prevention policy covers organization of work and working conditions.
- Measures: Telework (whenever possible) was the best way to re-organize work to maintain social distancing and eliminate/reduce the risk of contamination. The problem is that the “solution” has not been assessed as a potential risks itself.

## OSH preventive measures arising from Telework

- Context: An increasing number of companies are planning to have structural partial telework arrangements.
- Legal Framework: Dir 89/391/EEC, and the European Framework Agreement on Telework adopted in 2002:

*HEALTH AND SAFETY THE EMPLOYER is responsible for the protection of the occupational health and safety of the teleworker in accordance with Directive 89/391 and relevant daughter directives, national legislation and collective agreements. The employer informs the teleworker of the company's policy on occupational health and safety, in particular requirements on visual display units. The teleworker applies these safety policies correctly. In order to verify that the applicable health and safety provisions are correctly applied, the employer, workers' representatives and/or relevant authorities have access to the telework place, within the limits of national legislation and collective agreements. If the teleworker is working at home, such access is subject to prior notification and his/her agreement. The teleworker is entitled to request inspection visits.*

# Telework and Occupational Health and Safety

**Main OSH risks of telework (simplified):** Ergonomic risks and Psychosocial Risks Factors

## **Legal Obligations:**

The employer must assess and prevent these risks, and the teleworkers should be as protected as the workers working on site. The workers and their representatives should be consulted and informed about the risks that have been identified. Successful teleworking requires a change in the work organisation (for more details: Bérastégui P., 2021)

Additionally, art 5 Dir 89/391/EEC provides *“measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial costs”*.

## **Consequences:**

There should be a collective consultation on how it is possible to eliminate or reduce the ergonomic risks factors (leading to musculoskeletal disorders) and Psychosocial Risks Factors.

One dimension is the discussion about a “financial telework allowance” to cover the work equipment (e.g., ergonomic chair, screen, desk), but also how to maintain the workspace safe (e.g., heat/cold, light etc).

The other dimension having channels in place to prevent work-related stress, excessive workload, and avoid tensions/isolations at work which might arise from remote work (and adapted to the digital format). Raise the more general issue of preventing effectively psychosocial risks factors at work in the European Union.

# Telework and Occupational Health and Safety

## Implementation of the telework agreement before Covid-19 at national level

Report on the implementation of the European social partners' Framework Agreement on Telework (COM(2008) 412 Final)

The employer's full responsibility for the teleworker's occupational health and safety have been laid down more strictly by some national implementing measures, which make it clear that general OSH rules are applicable to teleworkers.

- Limited application of OSH provisions in case of telework from home because the employer cannot freely decide on the design of the workplace (e.g., Poland, Finland and Austria)
- No new legislation but national governments stress that OSH regulation apply to teleworkers (e.g., Latvia and Sweden)
- Special national legal provisions that employers are responsible for ensuring OSH at teleworker's workplace (e.g., Slovenia and the Netherlands)
- Extra duties for the employer is telework from home, before the start of telework (obligation to check the conformity of electrical installations and other equipment) (e.g., France, Luxembourg and Hungary).

## Implementation of the telework agreement after Covid-19 at national level

- Specific provisions that employers should provide teleworkers with the necessary equipment to carry out their work (Luxembourg, Spain), and pay any appropriate telework-related costs including electricity and internet (Portugal, Spain), or for "increased expenses related to telework" (Slovakia). It can take the form of a "telework allowance" (Belgium) – covers: office supplies, printer and computer equipment utilities etc. (ergonomic risks)
- Employers are required to **carry out a risk assessment of remote employees' workspaces**. The risk assessment should not only apply to psychosocial, ergonomic and organizational factors, but also the accessibility of the actual work environment (Spain) (PSR factors)



# Conclusion

**Question:** How can we guarantee that tele-work agreements are safe for the workers?

- Risks for Teleworkers (permanent or occasional): Ergonomic risks, Psychosocial Risks and non respect of working hours.
- These risks have been exacerbated during Covid-19 pandemic for various reasons:
  - Context of Covid-19 was an anxiety factors, and also public health measures (e.g., closure of school) impacted the teleworking conditions.
  - Suddenness of the mandatory telework and no time to prepare for companies who did not plan (at the time) the possibility of teleworking. The risks where not adequately assess and prevented.
- Way forward:
  - Acknowledgement that Teleworking can be beneficial but also represent risks and all the OSH prevention principles should apply. Assessment, preventive measures (collective and individual) and consultation of the workers or their representatives.
  - General requirement based on OSH national legislation might not be enough and specific/particular national legislations might be necessary (e.g., Spain).
  - Specific Directives to address specific risks (MSD and PSR) for **all workers** – when teleworking or not.

## References

Bérastégui, P., 2021. Teleworking in the aftermath of the Covid-19 pandemic: enabling conditions for a successful transition. ETUI Research Paper-Policy Brief.

Bouziri H, Smith DRM, Descatha A. et al. (2020) Working from home in the time of Covid-19: how the best preserve occupational health? *Occupational Environment Medicine*; 77: 509-510

Buomprisco, G., Ricci, S., Perri, R. and De Sio, S., 2021. Health and Telework: New Challenges after COVID-19 Pandemic. *European Journal of Environment and Public Health*, 5(2)

Montreuil, S. and Lippel, K., 2003. Telework and occupational health: a Quebec empirical study and regulatory implications. *Safety Science*, 41(4), pp.339-358.

---

Framework Agreement on Telework 2002

Council Directive of 12<sup>th</sup> June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.