



# Managing Workers' Compensation Exposures from Remote Workers

While industries that require being physically present are using Centers for Disease Control (CDC) and Occupational Safety and Health Administration (OSHA) guidelines to protect its workforce, many companies have mobilized their workforce to be remote for the time being to do their part in bending the curve of community spread. While we believe this is a prudent measure to slow the spread of COVID-19, employers should be proactively thinking about how this impacts its workforce.

Many organizations may be evaluating how an injury to a remote worker will be deemed “arising out of or within the course of their employment” for the purposes of workers’ compensation. A clear and precise determination of this factor can be challenging. In most states, it will be the burden of the injured employee to show their injuries are compensable under the workers’ compensation system. An employer raising the defense that they are not in control of the remote employee at the time of the injury is typically not recognized by most states. So how do employers manage this exposure and potential claim investigative process?

Creating telecommuting guidelines can be a useful strategy for employers to proactively manage the exposures of their remote workforce. These strategies can include:

- Creating specific time frames around business-related periods.
- Setting fixed work hours, including break times for remote workers to stretch and decompress.
- Providing employees with clear and concise guidelines on workspaces and proper ergonomics.

Many workers will not have a segregated office with a proper height-adjusted desk in their homes. This will likely result in employees utilizing their kitchen tables or couches as regular workstations. Employers need to remind employees they should use proper ergonomics techniques and, if possible, proper workstation devices.

This type of process can concentrate on these three main areas:

### **1. Awareness and Education**

Identifying proper workspaces and ergonomics techniques should be considered an organization's first line of defense. This can also include overlooked strategies such as utilization of speaker phones or hands-free headsets and monitor stands.

### **2. Employee Self-Assessments**

There is no sure way for employers to know if their remote employees are working from a couch, bed or desk. However, encouraging them to assess their own "home" workspace may help identify some alternative solutions to their unique issues. Employers reviewing these assessments may help identify some low-hanging areas of needed improvement, such as trip hazards or sitting techniques.

Many resources, such as OSHA, can help employers provide employees with a self-evaluation checklist.

### **3. Employers Provided Equipment**

These self-assessments may also help identify which employees may benefit from equipment solutions. By providing frequent telecommuters with necessary items, such as a proper monitor, monitor stand, wrist rests, mouse and keyboard, employers can potentially help increase the productivity of workers while they are working outside of the office and reduce the risk of injury.

Creating these types of plans will not only increase the likelihood of an organization's ability to provide a consistent stream of products and services, but also help reduce work-related injuries to their workforce.