

# Safety, Health and Welfare Obligations in Relation to Remote Working

A Guide for Irish Businesses




[dulann.com](https://dulann.com)

Efficient Compliant Safer Workplaces

Hello Everyone. Welcome to our eBook on Safety, Health & Welfare Obligations in relation to remote working in the Irish Marketplace.

We will be taking the usual straight taking approach to Safety, Health & Welfare, so let's start off with a simple message that we will support throughout this eBook.



Employers have quite specific duties of care to ensure the Safety, Health & Welfare of Employees. The location doesn't matter, how the worker ended up in this situation doesn't matter, whether it is temporary or permanent doesn't matter.



dulann

If you are still reeling and coming to terms with the new working environments then that's understandable, but also act as fast as you can to protect your Employees and the business, because this pandemic will pass, and you need to ensure that you come out the other side as unscathed as possible. So if you haven't done so, now is the time to act on all the other matters.

The last thing you need as a business, is to survive the Covid-19 Pandemic, only to be faced with a raft of claims because of a breach of your duty of care. This eBook has been designed to give you a brief overview of the type of Health & Safety issues that you must address in a remote working environment and whilst not a lot can be done in a face to face environment at the moment, a huge amount can be done via online and should be done via online. You would of course say to me, "you would say that", but the reality is that if the preverbal hits the fan, you need to be able to prove that, you, as an Employer or Employers representative, did everything humanly possible to eliminate or mitigate the risk to Employees. This eBook is predominantly focused on remote working from home as opposed to any other environment so for that reason we have excluded any topics around driver safety awareness etc.

Like our previous eBooks, and indeed like how we conduct our business generally, this eBook will be taking a "no nonsense" approach to getting our message across to you. Let's get you the information as quickly and concisely as possible. Dulann want to help you and we are here to help you. This eBook is designed as a guide only and you should in the first instance always refer to the relevant Legislation.



- 1** So first things first, it's important to note that regardless of the location, Employers have a duty of care under the Safety, Health and Welfare at Work Act 2005.
- 2** There is also no differentiation made whatsoever in the Legislation as to whether that place of work is temporary or permanent. Once the Employee works from any location, it is deemed a place of work.
- 3** There is no differentiation made whatsoever in the Legislation as to whether that place of work has been forced upon the Organisation/Employee or whether it was planned in an orderly fashion. Once the Employee works from any location, it is deemed a place of work.
- 4** As an Employer you have an obligation, not just in relation to the place of work, but also to the work activity, so this isn't just a simple matter of Ergonomics.
- 5** One of the first things that you can and indeed must do as an Employer is to conduct a Risk Assessment of the place of work and the work activities. Of course it would be ideal if that was conducted in person, but in the event of a government directed lockdown, there is no reason what that Risk Assessment couldn't be carried out remotely using some of the many online tools such as Hangout, Zoom, Skype, Team etc. of course it's not ideal but ignoring it altogether will not be acceptable in a court of law.



**6** So once you assess the risks then you need to implement appropriate measures to ensure the Safety, Health and Welfare at work of all Employees. There are some elements that you as an Employer will not be able to alter significantly or eliminate such as the location of the window, the noise from traffic outside, the lighting or heating system etc but you should be able in all cases to identify the risks and then implement appropriate measures to mitigate against.

**7** So this eBook isn't designed to train anyone on how to train Employees on how to set up their stations ergonomically, nor indeed is it designed to help Employees cope with the stress of working in a remote environment, nor is it intended to train Employees on how to ensure best practice from a Covid-19 perspective....this eBook is here purely to assist you in meeting your obligations in this regard. (PS if you wish to buy a "Remote Worker Bundle" an eLearning bundle including Ergonomics Awareness, Building Resilience as a Remote Worker, Health & Safety Induction and Infection Control (including Covid-19), then any of our offices will be happy to help.

Safety, Health and Welfare  
at Work Act 2005 Still  
Applies to Remote Workers

Corona Buster

### Remote Worker Course Bundle

Health & Safety Induction  
Ergonomics Awareness  
Remote Worker Resilience  
Infection Control



Don't Ignore Your Obligations

**8** You also have an obligation to ensure that all systems of work are planned, organised and maintained so the types of issues you need to be aware of in a remote working environment in particular relate to all equipment ensuring that they are fit for purpose and their relationship to their electricity supply if applicable.

**9** One of the biggest difficulties that most Organisations will have is in terms of ensuring that desks and chairs are designed correctly for the purpose of working. While we acknowledge that this will be a challenge, it is better to identify the risk and try address them the best you can, rather than ignoring them...for that will surely come back to bite you.

**10** Another one of the Employer Obligations under the Regulations is to have a plan in place for emergencies. We see many companies implementing simple one-page plans that are again conducted by a responsible person over some form of video communication software. Again not ideal but under the circumstances perhaps the best that most can achieve. When developing this plan you are obliged to take into account matters such as the provision of First Aid in the event of an emergency or what happens should a sudden illness occur.

Corona Buster

Setup Your Online  
Employee Onboarding Now

No Deposit  
No Upfront Payment  
We Build Your Inductions  
Walk Away at Any Stage  
Pay From May 1st

Don't Waste An Opportunity



Terms & Conditions Apply



**11** Of course then you as an Employer also need to deal with some of the issues that hide in plain sight...those around resilience and stress of Employees in a remote working environment. Again this eBook is designed to be helpful rather than to sell you the Dulann online course in "Building Resilience as a Remote Worker", but there are growing concerns that people's mental health and well-being can take a hit when working remotely. This needs to be taken into account when doing your Risk Assessment. There are many benefits to working remotely but do take note that in a virtual environment there is a tendency to focus too much on tasks, and too little on relationships. If not dealt with as part of you implementing appropriate measures, then you could find that you will have a large amount of absenteeism, productivity and other mental health related issues down the line.

**12** In line with the above point, it is often at times more challenging as an Employer to meet your obligations for Remote Working in terms of The Organisation of Working Time Act 1997. By this I mean, are able to prove as an Employer that appropriate rest, hygiene and welfare facilities are in place. I predict that in the future there will most certainly be legal challenges to the home working environment that you as an Employer were supposed to adequately look after. I also predict that the courts will have a certain level of sympathy for Employers that find themselves in that situation. I also predict however that if that Employer chooses to blatantly ignore the Legislation, then there exposure will be significantly increased.



dulann

- 13** One of the biggest technological challenges facing most companies is the fact that most Employees that are forced into a Remote Working Environment, often are done so quite quickly and with that arises the challenges of the Employee having to use personal and at times unsecured networks. These challenges include Data Security, GDPR etc and will mostly be covered by an IT Department but you also need to consider it as part of a Risk Assessment.
- 14** The Health and Safety Authority classify home-workers as "Lone Workers". I appreciate most organisations classify "Lone Workers" as those where only one person works on a premises in terms of workshops, petrol stations, Security, maintenance, Postal Staff, Architects etc but the HSA is very clear. Section 19 of the Safety, Health and Welfare at Work Act 2005 requires the Employer to undertake a Risk Assessment, and so this shall determine whether or not an Employee may even work alone in the first place. Of course you as the Employer must also be aware of any specific Legislation on Lone Working which may be applicable to their specific industry, e.g. supervision in diving operations, vehicles carrying explosives etc.



An Overview  
Of Core  
Functionality

Get your Free  
Product Guide Now



**15** Of course it's not all about the Employer. Yes its true, the Employer holds the main responsibility for protecting the safety and health of lone workers. Nonetheless, lone workers themselves have a responsibility to help their Employer fulfil this duty, and so they must:

- Take reasonable care to look after their own safety and health.
- Safeguard the safety and health of other people affected by their work.
- Co-operate with their Employer's safety and health procedures.
- Use tools and other equipment properly, in accordance with any relevant safety instructions and training they have been given.
- Not misuse equipment provided for their safety and health. And,
- Report all Accidents, Injuries, Near-Misses and other Dangerous Occurrences.

**16** Communication with Remote Working Employees is very important and we highly recommend controlled periodic checks.

**17** Designing and Implementing Standard Operating Procedures (SOP's) in environments like this is also highly advisable. This will give clear direction to everyone on most matters but right down to locking and securing the place of work, how to implement correct incident reporting procedures, who to contact if the Employee feels that they need some form of Counselling etc.



## Here to help

### Contact the right person

**Dulann HQ:** Contact Dominic White  
dominic.white@dulann.com | +353 87 330 2373

**Cork Office:** Contact Noel Carton  
noel.carton@dulann.com | +353 86 040 0834

**Dublin Office 1:** Contact Gar Walsh  
gar.walsh@dulann.com | +353 87 359 6708

**Dublin Office 2:** Contact Ryan Parker  
ryan.parker@dulann.com | +353 87 358 8606

**Galway/Clare Office:** Contact Ted Roberts  
ted.roberts@dulann.com | +353 87 294 1394

**Limerick Office:** Contact Alan Connolly  
alan.connolly@dulann.com | +353 87 280 3196

**Sligo, Leitrim, Longford, Roscommon Office:** Contact Declan Bruen  
declan.bruen@dulann.com | +353 87 253 7388

**Wexford Office:** Contact Frances Moran  
frances.moran@dulann.com | +353 86 318 5576

**Louth/Meath Office:** Contact Carmel McCarthy  
carmel.mccarthy@dulann.com | + 353 41 98 22 933

**All other Areas:** Contact Dominic White  
dominic.white@dulann.com | +353 87 330 2373

If you need assistance with any Remote Worker eLearning, Risk Assessments or Online Safety Management Systems then please reach out to any of our team.

We hope you found this eBook useful and we look forward to helping you some more in the near future.



**dulann.com**

Efficient Compliant Safer Workplaces