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HEALTH AND SAFETY COMMISSION

New Teleworking Guidance launched by the DTI

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Advisor(s):

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Issue

1. New guidance on teleworking was published by the DTI on 2 September 2003 as part of a European agreement on telework.

Timing

2. Routine

Recommendation

3. This paper is for information only.

Background

4. This guidance has been published by the DTI on behalf of social partners (TUC, CBI and the Employers' Organisation for Local Government, CEEP UK). A copy is attached.

5. In June 2000, the European Commission (EC) formally consulted the organisations representing social partners (UNICE/UEAPME, CEEP and ETUC), under Article 138(2) of the EU Treaty, on modernising and improving employment relations in the EU. Telework was one of the three aspects where the EC considered that action was needed.

6. Under this provision, the EC is required to consult the social partners before submitting proposals on social policy, giving them the option to deal with a particular issue through negotiations at EU level. Then under Article 139, in order to implement an agreement the social partners can:

- either ask the Commission to obtain the agreement to the Council to translate it into EU legislation,
- or rely on their members to implement it in accordance with the procedures and practices specific to the social partners in the Member States.

7. The telework agreement is the first to be implemented through the voluntary route. The three framework agreements concluded previously under this arrangement, on parental leave, part-time work and fixed term contracts, have all been implemented by a Council Directive.

8. The agreement on telework is non-binding and is applicable to members of the TUC, CBI and CEEP UK. Management and employee representatives are invited to use the UK guidelines on teleworking to draw up company-specific policies.

9. The content of the guidance is intended to provide a useful checklist of issues to consider when implementing teleworking. The guidance goes much wider than health and safety, covering issues such as contracts, IT systems, information security, expenses, tax, human resources support and personal support.

10. Health and safety constitutes only one out of 9 substantive sections in the guidance (accounts for only 4 out of the 26 pages), but in HSE's view is adequate. It gives information on:

- employers duties towards teleworkers under the HSW Act 1974 and teleworkers rights;
- the need to carry out risk assessment and identify possible hazards;
- electrical and equipment safety;
- manual handling;
- first aid provisions;
- pregnant workers;
- the role of safety representatives;
- the employers duty to report and record accidents and injuries;
- organisation of work; and
- working safely with display screen equipment.

Argument

11. UK experience is that teleworkers are not exposed to any major risks to health and safety, or to new or unique risks; though they can be at some increased risk from factors like social isolation, stress and lack of supervision if appropriate measures are not taken. HSE's view is that applying existing health and safety law in the same way as to other workers can protect teleworkers. (The Health and Safety at Work Act applies to telework, as do other relevant health and safety regulations – such as the Display Screen Equipment Regulations that apply to DSE users working at home).

13. Although the vast majority of teleworkers work for commercial organizations subject to LA enforcement, under the current enforcing authority regulations, they fall to HSE if they are based in domestic premises. However these arrangements and the inter-relationship of the work of HSE and LAs is currently under review.

14. HSE considers the decision to promote good practice in teleworking via voluntary guidance developed by key stakeholders is a suitable one, appropriate to the degree of risk and in line with current HSC/E strategies and new ways of working.

15. HSE were consulted on the health and safety aspects of the draft guidance but only after prompting the DTI and flagging up our interest. We were able to correct minor errors, misinterpretations and vague statements (e.g. "Health and Safety Executive Officers should be responsible for settling complaints by employers or employees"). However, despite our interest in the draft, and our earlier contacts with the DTI, HSE was not given sufficient advance notice of when the guidance would be launched. This led to last minute briefing being required when media interest was shown.

16. Now that these procedural challenges are in the past, the DTI document is a welcome addition to HSE's guidance relevant to telework. The recently published revised guidance on the Display Screen Equipment regulations now includes additional guidance on teleworking. It includes information on what additional risk factors to look out for if your employees are teleworkers, and covers practical issues such as how best to arrange for risk assessments. Other HSE publications such as "Homeworking" are also relevant.

Consultation

17. The telework guidance reflects the outcome of consultation by DTI on behalf of the social partners.

Presentation

18. The publicity around this document initially focussed on the health and safety aspects but quickly moved onto the issues of flexible working and the rights of employees to request flexible hours.

Costs and Benefits

19. n/a

Financial/Resource Implications for HSE

20. None

Environmental Implications

21. None

Other Implications

22. The wider introduction of teleworking could in principle help to fulfil HSE's and DWP's aspirations for improving the rehabilitation and the return to work of people who currently do not work due to ill health. Travelling to work, and aspects of the traditional workplace can be barriers for those suffering MSD and stress-related conditions. Teleworking either as a temporary or a permanent measure has potential to help sufferers if it is properly managed. The last is an important proviso as poorly designed or managed teleworking schemes could increase risks of MSD and stress.

23. The way in which this EU social partners agreement on teleworking has been concluded may give an indication of how the current social partners consultation on **work-related stress** is likely to develop. HSE officials are continuing to liaise closely with DTI and UKREP to ensure that HSE's interests are properly represented at all stages.

Action

24. None