

Display Screen Equipment (DSE) Risk Assessments and Homeworkers



In our Risk Topic titled "Managing additional home working exposure" we highlighted the issue of DSE-related considerations as follows:

Adequate guidance in respect of display screen equipment (workstation layout, breaks from DSE work, etc.) should be provided, as would be the case on the normal premises. Best practice would be to ask employees to carry out a risk assessment (preferably with photographs) that can be checked centrally. However, the HSE emphasised on 18th March that "if you have people working from home temporarily because of #Coronavirus you do not need to do display screen equipment (DSE) workstation assessments".

The HSE has stressed that "Employers have the same health and safety responsibilities for employees working from home as for any other employees".

In this update, we are primarily concerned with the matter of "temporary" homeworkers rather than those already established in this situation. There is of course potential for future employers' liability claims arising from unsuitable practices whilst working at home "temporarily", including use of display screen equipment. Employers need to make sure that they have taken all reasonable steps to control the risk.

A key question here is the definition of the term "temporary" as the switch from office to home has now lasted for several weeks in most cases and is likely to continue. In many instances the decision is currently being left to the individual employee.

Unfortunately, the HSE has not defined the term "temporary" in this context, instead stating that:

"The regulations do not give a definition of temporary or long term, and HSE has not defined long term or temporary in the context of home working. The most we can do is provide the guidance around home

working, but it is ultimately the decision of the business as to what they determine as a specified length of time for home working. Therefore, it would be for the duty holder to make an assessment.

Where workers are asked to work at home as part of temporary or contingency working arrangements, there is no evidence that homeworkers are exposed to any major additional or unique risks to health and safety as a consequence of their DSE work. In such circumstances, it is not necessary or practicable for employers to undertake home DSE workstation assessments for all their workers.

Employers should, in addition to the training provided for DSE work in the office, provide workers with appropriate advice on completing their own basic workstation assessment at home - a [practical workstation checklist](#) is available. The checklist covers the workstation and the working environment. Workers should also be made aware of other simple steps that they need to take to reduce the risks from DSE work”.

So, what should employers be doing in this situation?

- Make sure that all staff have completed the HSE checklist or a suitable equivalent.
- Require staff to report any health and safety problems that this identifies or that develop subsequently.
- Take the necessary remedial action promptly, be it provision of additional/replacement equipment* (e.g. suitable chairs), training, etc.
- In some cases, it may be necessary to carry out a formal risk assessment, perhaps virtually.

*One item of equipment that is currently proving useful for laptop users is the lap pack/laptop pack, which comprises of a stand that puts the laptop screen in a more suitable working position, together with a separate keyboard and mouse.

Eventually, the decision will need to be taken by each organisation as to when “temporary home-working” becomes “home-working”. In August, fund manager Schroders announced that its staff would no longer be required to come into the office, even after the pandemic. The company was not intending to close its offices in London but said that the pandemic had accelerated the move towards more flexible working by twenty years. Its decision to make home working a permanent arrangement could prompt others to follow suit. If this is a direction taken by your organisation then you will of course need to comply fully with the requirements of the Health and Safety (Display Screen Equipment) Regulations, including formal workstation assessments.

For a legal opinion on the interpretation of the term “temporary” in this context, we turned to BLM, who advised as follows:

“The HSE guidance draws a distinction between those working at home on a long-term basis and those working at home temporarily but offers no guidance as to when a temporary arrangement becomes long-term. In the absence of any definition, this is likely to be determined on the basis of reasonableness, with each case likely to be considered on its facts, and an employer may need to be able to offer an explanation for its decision if challenged.

If there is a clear plan for home workers to return to their workplace in the near and imminent future, the workforce has been kept fully apprised of the intentions of the business, and steps to ensure the workplace is Covid secure have been taken, then that will support the argument that they are still temporarily working at home, whereas workers whose employers have no clear and defined strategy for any scheduled return are more likely to be considered to be working at home long-term. Further, an employer who has been actively managing its workforce while working at home through day to day line management and specific risk assessments tailored to home working could well find these steps undermining any suggestion that the arrangement is still temporary.

The most appropriate solution to address any concerns over the need to undertake a DSE assessment for those at home could be to provide training to all home workers in how to conduct their own risk assessment of their DSE at home, supplemented by a careful analysis of the completed assessments and for targeted investigations and intervention as necessary wherever any risk is then identified.”

Irrespective of the foregoing considerations, it should be remembered that DSE equipment is used by a broad range of staff and to differing extents. Someone who uses it for low intensity, sporadic work (e.g. members of a sales team) will be much less at risk of adverse health effects than someone who uses it for the majority of their work activity (e.g. call centre staff). Employers should carefully consider the level of DSE activity engaged in by their staff and provide equipment and instruction as appropriate.

If/when employees do return to an office at their previous workstation, their employers should consider revisiting the original DSE assessment. They may not be working at their usual desk, and in a much-changed office layout, so staff should be reminded to set up their new workstation to suit their personal profile and a formal risk assessment should then be completed.



This document has been prepared by Zurich Insurance Group Ltd and the opinions expressed therein are those of Zurich Insurance Group Ltd as of the date of the release and are subject to change without notice.

This document has been produced solely for informational purposes. All information contained in this document has been compiled and obtained from sources believed to be reliable and credible but no representation or warranty, express or implied, is made by Zurich Insurance Group Ltd or any of its subsidiaries (the 'Group') as to their accuracy or completeness.

This document is not intended to be legal, underwriting, financial, investment or any other type of professional advice. The Group disclaims any and all liability whatsoever resulting from the use of or reliance upon this document. Certain statements in this document are forward-looking statements, including, but not limited to, statements that are predictions of or indicate future events, trends, plans, developments or objectives. Undue reliance should not be placed on such statements because, by their nature, they are subject to known and unknown risks and uncertainties and can be affected by numerous unforeseeable factors.

The subject matter of this document is also not tied to any specific insurance product nor will it ensure coverage under any insurance policy.

This document may not be distributed or reproduced either in whole, or in part, without prior written permission of Zurich Insurance Group Ltd, Mythenquai 2, 8002 Zurich, Switzerland. Neither Zurich Insurance Group Ltd nor any of its subsidiaries accept liability for any loss arising from the use or distribution of this document. This document does not constitute an offer or an invitation for the sale or purchase of securities in any jurisdiction.

Zurich Insurance Group

All information contained in this document has been compiled and obtained from sources believed to be reliable and credible but no representation or warranty, express or implied, is made by Zurich Insurance Group Ltd or any of its subsidiaries (the 'Group') as to their accuracy or completeness. Some of the information contained herein may be time sensitive. Thus, you should consult the most recent referenced material.

Information relating to risk engineering is intended as a general description of certain types of risk engineering services available to qualified customers. The Group and its employees do not assume any liability of any kind whatsoever, resulting from the use, or reliance upon any information, material or procedure contained herein. The Group and its employees do not guarantee particular outcomes and there may be conditions on your premises or within your organization which may not be apparent to us. You are in the best position to understand your business and your organization and to take steps to minimize risk, and we wish to assist you by providing the information and tools to assess your changing risk environment.

CONTACT

Risk Engineering
Risk Support Services
6th Floor, Colmore Building
20 Colmore Circus Queensway
Birmingham B4 6AT

Phone +44 (0) 121 697 9131 www.zurich.com

For more information please visit: www.zurich.com/riskengineering

Zurich Management Services Limited, Registered in England and Wales no. 2741053, Registered Office: The Zurich Centre, 3000 Parkway, Whiteley, Fareham, Hampshire PO15 7JZ

©2020 Zurich Insurance Group Ltd.

REUK123.01 (09/20)