Keeping home and hybrid workers comfortable, safe and well

Provision of suitable workstations

Helping you succeed in tomorrow’s world.
Who do we legally need to consider?

Does the worker use display screen equipment ("DSE")?

...habitually as a significant part of their normal work?

If yes, what is the employment status of the worker?

A business has a duty for:
- Employees
- Contractors or others if the business provides their workstation

Display Screen Equipment ("DSE"):
- any alphanumeric or graphic display screen, regardless of the display process involved.
- Both conventional display screens and other emerging technologies (e.g. touch screens).
- PCs, laptops, tablets and smartphones.
- Display screens mainly used to display line drawings, graphs, charts or computer-generated graphics are included, as are screens used in work with television or film pictures.

Habitually as a significant part of their normal work":
- normally use DSE for continuous or near-continuous spells of an hour or more at a time; and
- use DSE in this way more or less daily; And have to transfer information quickly to or from the DSE; and
- and also need to apply high levels of attention and concentration, or are highly dependent on DSE or have little choice about using it; or need special training or skills to use the DSE" (emphasis in original).

A “workstation”:
(a) display screen equipment,
(b) any optional accessories
(c) any disk drive, telephone, modem, printer, document holder, work chair, work desk, work surface or other item peripheral to the display screen equipment, and,
the immediate work environment around the display screen equipment."
What does a business legally need to do?

For employees, and contractors (where the business provides their workstations), a business has the following duties if they use DSE habitually as a significant part of their normal work:

1. Provide and maintain suitable & safe work equipment
2. Provide information & instruction on use of work equipment
3. Assess workstations to identify any H&S risks for the worker & control risks

The business meets its legal duties - People remain comfortable, healthy & productive

Ensure that any workstation/work equipment provided by the business or used by its employees is suitable, safe and meets the requirements of the Schedule to the DSE Regulations. (Reg. 4(1) PUWER and Reg. 3(1) DSE Regs)

Every employer shall ensure that operators and users at work in his undertaking are provided with adequate information about all aspects of health and safety relating to their workstations (Reg. 7 DSE Regs)

Work equipment used by employees or provided by the business to others must not be a source of risk for those operating it (Schedule to the DSE Regs)
What work equipment should businesses make sure is available under the DSE Regulations?

What equipment must a business ensure its workers have if they are using DSE (under the DSE Regs):

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Legal requirement</th>
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<tbody>
<tr>
<td>Display screen</td>
<td>Must swivel and tilt easily to suit the needs of the worker. Must be free of reflective glare with adjustable brightness and no flickering of characters.</td>
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<tr>
<td>Separate keyboard</td>
<td>Must be tiltable and separate from the screen, with a matt surface and clear symbols on the keys.</td>
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<tr>
<td>Work desk/surface</td>
<td>Must be large enough for work equipment and for worker to find a comfortable position.</td>
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<tr>
<td>Work chair</td>
<td>Must be stable and adjustable in height and tilt. Must allow worker easy freedom of movement and a comfortable position.</td>
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<tr>
<td>Footrest</td>
<td>Should be made available to any worker who would like one.</td>
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A suggested approach to new ways of working….

1. Identify workers and work environments of those who are working outside office (in a non-fixed desk environment)
   - Homeworking
   - Working whilst travelling
   - Working from hotels, cafes, restaurants for periods of more than an hour
   - Other locations (client offices etc.)
   - A mix of any of the above

2. Prepare an organisational H&S risk assessment which looks at relevant H&S risks
   Risks may include:
   - Impact on eyesight from screens
   - MSK impact from positioning of work station equipment
   - Impact on hearing from habitual use of headphones
   - Isolation/ mental health risks
   - Lone working and violence risks

3. Consider how workers will be provided with information and equipment – e.g. through a self-assessment online package
   - Information and training on safe working practices
   - References in homeworking and flexible working policies
   - Self-assessment tools or checklists to evidence that individuals have considered risks and the outcomes (which will also enable monitoring)
   - How to flag specific needs (see 4)

4. Identify those who require separate specific assessment or support (e.g. from an internal team or a specialist ergonomist)
   - How will this be identified (including changes, e.g. pregnancy or injury)
   - Output could be simple advice on adjusting existing workstation or providing specialist equipment.
   - Consider the support needed for external specialist assistance needed.
Mary is a Partner in Osborne Clarke’s commercial and regulatory disputes team and leads Osborne Clarke’s health and safety practice.

Mary’s work involves advising and defending large corporate businesses and other organisations (both private and public sector) in relation to the Health and Safety at Work etc. Act 1974, associated health and safety regulations, the Corporate Manslaughter and Homicide Act 2007 and other legislation regulated by local authorities, trading standards and the police.

She is recognised by the Chambers and Partners and Legal 500 directories, particularly for strength in crisis management and client sector knowledge.