

Homeworking During the Pandemic Proving a Pain in the Neck

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In April 2020, the [Office of National Statistics](#) reported that 46.6% of people in employment did some work at home, 86% of whom did so as a result of the Covid-19 pandemic. As a significant proportion of us continue to work from home, how do employers protect their homeworkers from developing a Muscular Skeletal Disorder?

What are MSDs?

Musculoskeletal disorders (MSD) is an umbrella term covering a variety of disorders including cumulative back conditions, tendonitis, tennis elbow/epicondylitis, trigger finger/thumb and carpal tunnel syndrome.

What is the Employer's Duty?

Employers under the [Health and Safety \(Display Screen Equipment\) Regulations](#) have a duty to perform a suitable and sufficient analysis of its employees' workstations. Now that many continue to work at home on kitchen tables, in home offices, or wherever possible to balance family life and to fit in with other homeworkers, employers need to consider whether their employees' home workstations are fit for purpose. The DSE Regulations require an assessment to be undertaken on all component parts of a workstation.

	<p>Have employees provided separate keyboards in addition to laptops, so as to ensure that homeworkers have found a comfortable typing position?</p>
	<p>Is the mouse positioned close enough to the homeworker so that they don't need to repeatedly stretch or adopt an awkward posture? Is an arm support necessary?</p>
	<p>Office desks are set up with ergonomics in mind, with the screen positioned usually at eye level. However, are homeworkers' screens meeting eye level at home? Or are they looking down, raising the risk of them developing "pain in the neck" and a MSD in the future. Do employees need a second, larger screen? As we know office chairs allow us to adjust the seat height, tilt and have castors which make them less rigid than a dining chair or sofa. Do homeworkers need to be provided with their usual work chair, which is designed to be sat on for a seven/eight hour working day? Sufficient head and back support can be crucial in reducing the risk of employees developing the above conditions.</p>

Employers are advised to ask their employees to carry out their own work station assessment, to assess the above risks. If they are concerned that homeworkers are not adopting the above measures, they could ask their employees to send them a photograph of their workstation so that the employer can carry out the assessment. The burden to prove that these measures are being taken lies with the employer after all.

Employers should keep in regular contact with their colleagues to ensure that they are putting the above guidance into place, in the same way as they would do in the office. This is especially relevant during the winter months when many tend to exercise less and are not as mobile. Homeworking in the pandemic also leads to the risk of employees working longer hours and so the risk of muscle fatigue increases.

Although the HSE has advised that there is no increased risk for those working from home temporarily, with home working becoming the norm for an extended time, employers would be wise not to ignore the [HSE's](#) guidance.

What else can employers do?

They should encourage their colleagues to take regular breaks. There is no legal guidance on how long or how often breaks should occur but in the pandemic, employers should be encouraging employees to take a 5 minute break every hour. It is

better to take shorter breaks more often rather than fewer longer breaks. Line managers are advised to 'check in' with their employees to check that they are taking a sufficient number of breaks. Employers should provide and keep evidence on training its employees on the above factors.

This guidance is not only relevant to homeworking but to those that hot desk when they return to the office. Employers will need to ensure that there is sufficient work equipment on desks and that it is arranged with the above guidance in mind.

MSD and Occupational Stress- Temporary Homeworking

The pandemic also raised concerns in respect of homeworkers' mental health. It is often the case in MSD claims that a claimant may feel depressed as a result of their condition, which in turn impacts on their prognosis. There is increasing interest surrounding the extent to which psychosocial factors increase the risk of an employee suffering with a MSD. Psychosocial factors may cause increased tension in limbs leading to a higher prevalence of MSD.

There is a risk of an increase in work related stress due to working from home and other COVID-19 related issues and with staff working remotely employers cannot visibly see people to spot potential warning signs. Home workers may feel isolated, anxious, have a lack of perspective, worry about reductions in hours, possible redundancy or fear of contracting COVID-19. If an employee is also not sat at their workstation correctly and avoiding regular breaks, then poor posture coupled with work related stress could result in a claim for damages as a result of the MSD and stress. Equally, those who may have been placed on the furlough scheme or who are being forced to return to the office and have concerns about returning to work whilst COVID-19 is still in circulation, may be suffering increased stress levels which leaves them vulnerable to developing an MSD.

Employers should consider issues such as suitability of the home workplace, correct equipment, whether employees are taking regular breaks, is there effective supervision, do employees feel loneliness and isolation, are there signs of overwork, or are there other distractions or stressors.

Employers need to provide information and support, keep risk assessments and information, training and guidance provided to employees under regular review and ensure that employees are working in a safe manner. This will apply as employees start to return to office working over the coming months.

Each condition alleged will have its own pathogenesis and careful consideration will need to be given to whether the workplace exposure has caused a novel injury or whether it has exacerbated or accelerated a pre-existing condition.

For more information or advice, please contact one of our experts in our [Disease team](#).

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