



Home Working



In light of the current pandemic, many businesses have moved employees from office to home workers.

You will need to communicate this with employees and allow them to raise any concerns and ask questions.



Changes to Place of Work

If the change is permanent, you should confirm the permanent change in writing, for example send a letter via e-mail, with the employee providing confirmation they accept the changes to their place of work.

Home Working Considerations

The Health and Safety at Work etc. Act 1974 requires Employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees to which they are exposed whilst they are at work. This duty is not restricted to risks in the workplace itself, the Employer has a duty to conduct a risk assessment where employees are working from home. This includes considering what equipment employees may need to be able to work safely from home.

Risk Assessment

If you employ 5 or more employees, you will need to create a written document setting out your assessment of the risks and the steps taken to manage those risks. In particular, the risks associated with using computers and work equipment, stress and lone working. [The Health and Safety Executive \(HSE\) website](#) contains helpful guidance and publications. See Employees should also be requested to carry out a self-assessment on their home set-up. This can be done by the employee taking pictures or a video of their home set-up. This self-assessment can then be used to assist the Employer's risk assessment.

Equipment

When carrying out the risk assessment you will need to determine whether you will be providing employees with the equipment needed to work from home (laptop, additional screens, keyboard, mouse, printer, stationery) or whether the employee is expected to use or buy their own equipment. You should also consider whether you will contribute to the purchase of new equipment or can they take the equipment from the office and use it at home.

You will need to consider the following:

- Will you be providing the employee with a work phone or will the individual use their own and you make a monthly contribution?
- Will you make a contribution to the employees' internet bill? Will you expect a certain internet speed and what happens where an employee is below this level, will you pay to increase it?
- As the employee will be home more, using more of their personal electricity, water and gas, will you pay for this or make contributions?

You need to consider the above and discuss matters with each employee and agree what is needed.

Reasonable Adjustments for Disabled Employees

You, as an employer, have a duty to make reasonable adjustments for disabled employees whether they are temporarily working from home or permanently working from home.

“Disability” is defined under the Equality Act 2020 as a physical or mental impairment that has a substantial and long-term effect on your ability to do normal day-to-day activities. A disability can arise from a wide range of impairments such as (but not limited to) sensory impairments affecting sight and hearing, impairments produced by injury to the body, mental illnesses such as depression, and organ specific, including respiratory conditions, such as asthma and cardiovascular diseases.

A ‘reasonable adjustment’ is that a change to remove or reduce the effect of an employee’s disability so they can do their job. Changes could include altering work hours, installing software programmes, or providing specialist equipment. This is not an exhaustive list and it is up to you to engage with employees to ascertain what adjustments may be needed. If the disabled employee has previously requested access to a specialist chair whilst at work, the employee may now request the same equipment whilst at home. This may be a reasonable adjustment. Employers are responsible for paying for these adjustments, as they would do if the employee were in the workplace.

When considering what is reasonable you can consider:

- How effective the change will be in avoiding the disadvantage the employee would otherwise experience;
- its practicality;
- the cost;
- the employer’s resources and size;
- the availability of financial support;

Please note that cost alone should not be viewed as a complete defence to any failure to make a reasonable adjustment.

Your health and safety risk assessment should assist you when determining what adjustments are reasonable. It is important that an open dialogue is continued with employees.

Setting Clear Expectations – Working at Home Policy

If you do not have one in place already, a working at home policy should be introduced to set clear expectations for employees, such as:

- when employees will be available to work;
- how they will keep in touch;
- how the work-life balance will be managed;
- rules around data protection and confidentiality;
- how performance will be managed and measured;
- working from home and childcare.

Please note this is not an exhaustive list.

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Disclaimer: This note does not contain a full statement of the law and it does not constitute legal advice. Please contact us if you have any questions about the information set out above.

Tax, Insurance and Mortgage/Rental Agreements

There are tax and National Insurance considerations and reporting obligations when providing employees with working from home expenses. From 6 April 2020 employers can pay a weekly tax-free allowance of £6 per employee to cover the employee's additional costs of things such as increased heating, lighting or electricity. This £6 per week allowance is based on HMRC-approved scale rates and can be paid without the employer being required to have records to the additional costs incurred by employees for working from home. Alternatively, the employer may choose to reimburse the full exact amount of the employee's extra costs. In this case, the employee and the employer must keep records to substantiate the reimbursement. This may prove difficult as the costs incurred need to be proven.

You should check the details of your insurance to make sure you are covered for employees working from home if they are using business equipment. You should also consider whether employees will be required to have their own content insurance and what the minimum coverage should be.

You could also request that employees check their mortgage and rental agreements to see whether there are any restrictions preventing them from working from home temporarily or permanently.