

Memo on worker liability during 'Stay at Home' situations

This information is only on if you are being Paid and Working from home (meaning sent to work from home during current situation) or Home is your office. I do not know about paying some while they are at home being paid with no work obligations at that point if they were hurt it would then be filed under Medical and not workers compensation.

Here is some information of Michigan Workers Compensation Law: 29 CFR Part 1904 MIOSHA Part 11 Recording and Reporting of Occupational Injuries and Illnesses

Working at Home: Injuries/Illnesses that occur while an employee is working at home will be considered work-related if the injury/illness occurs while the employee is performing work for pay or compensation in the home, and the injury/illness is directly related to the performance of work rather than to the general home environment or setting.

In general, an employee injury or illness is compensable under workers' compensation if it arises out of and in the course of employment, regardless of the location the injury occurs. ... Courts have found that an employer's lack of control over the conditions of an employee's home-based work premises is irrelevant.

Does workers' comp cover employees who are working from home?

Cases Workers' Comp Accepts

If an at-home employee suffers an injury such as a slip and fall while performing a work-related activity, he or she has every right to file a claim. However, the employee has a burden of proof to show that his or her injuries occurred as the result of or during work.

OSHA

1904.5(b)(1)

What is the "work environment"? OSHA defines the work environment as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."



Section 1904.5(b)(7) states: How do I decide if a case is work-related when the employee is working at home? Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

Here is what I have on Employers Responsibility with employees working from home and steps they should take prior to allowing this to happen:

Steps to Protect Your Work-from-Home Employees & Business:

1. Ensure that employees' homes are safe for business. Before they begin working from home, require that employees comply with the health and safety policies of your business. Have your employees fill out a working-from-home safety survey, or do an inspection yourself. Check that furnishings and equipment are ergonomically designed so that the employees can work safely. You'll also want to see that lighting and ventilation are sufficient.
 - a. Be on the lookout for hazards. These can include exposed extension cords. Be sure that the residence has adequate fire extinguishers and smoke detectors.
2. Once you've inspected the office space, take a photo for your records. Every six months, check the work environment to ensure that the employee continues to comply with the requirements.
3. Designate a dedicated work area. If possible, assign the employee to a specific room or area of their home for working. This helps minimize the likelihood of injury claims. It also encourages the employee to set boundaries at home that will motivate them to remain productive.
4. Ensure their homeowner's policy is up-to-date. Require employees to check their homeowner's insurance coverage. This ensures that their homes and property will be covered in the event of damage done during working hours. Have your employees supply you with documentation regarding this and keep it on file.
5. Focus on cybersecurity. Ensure that all employee devices including laptops, tablets, and desktops are protected from intrusion. Have an IT professional set up a secure connection from the employee's home to your company network. Connections with weak or no security leave your company open to hacking. This can put your entire business at risk. Also, insist that only employees use the company's equipment.



6. Stay in direct contact. Unless you check in with offsite employees regularly, you won't know if they are having difficulties. Stressed workers tend to be less productive and can be prone to accidents. Make sure you have the right telecommuting tech tools in place to communicate and collaborate with your work from home employees. Check in daily and consider setting up weekly or biweekly video calls. This will enable you to see them in their home work environment. Monitoring their progress will also help you determine if an employee is better off returning to the onsite office environment.
7. Review your insurance. Speak with your insurance company about having employees work from home to make sure that you are adequately covered in this area. Insurance specialists may advise that you obtain management liability insurance. Such insurance would cover the legal expenses that can arise from having work-from-home employees.
8. Create a telecommuting policy. Clear guidelines regarding working from home can help prevent misunderstandings. It can also help protect you if something goes wrong with a home office situation. In your work from home guidelines, detail what is required of your employees. Be sure to include specific work hours, taking regular breaks, and adhering to safety procedures. Also, include employee rights such as your workers' compensation coverage. Have telecommuting employees sign the document. This document should stipulate the specific details of the work-from-home agreement. Always keep these documents on file.
9. Communicate that telecommuting is a privilege. Let employees know that you are allowing them to work from home as an employment perk. Make it clear that you have the right to rescind their work-from-home privileges at any time and for any reason. For example, say their home fails to meet the specified safety requirements or if their work performance suffers. Then you can ask them to return to the office.
10. Offering employees remote jobs where they have the freedom to work from the comfort of home can enhance productivity and make your company a desirable place to work. Understand your responsibilities as an employer of offsite employees. You want to help protect them and yourself from the liabilities inherent in working from home. This way your company is sure to reap the benefits of the burgeoning telecommuting movement.