The world is changing constantly and, it seems, ever more rapidly. One of the newest changes is taking place in the workplace; i.e. telecommuting. While telecommuting is not new, it is becoming more common. With ever-improving technological developments, combined with an increasing desire for a flexible work setting and a growing concern for the environment, many companies and individuals have turned to telecommuting.

Telecommuting or telework is actually an arrangement in which employees enjoy some flexibility in their working location and hours. In other words, the daily commute to a central place of work is replaced by time spent working from home or from a variety of remote locations (e.g. satellite offices, neighborhood work centers, mobile workers). It is generally used by companies whose employees rely on the Internet, computers, and telephones.

The International Data Corporation (IDC) states that there are three different categories of telecommuters:

- **Mobile Professionals**: These workers travel away from their homes or corporate offices at least 20% of the time.
- **Occasionally Mobile Professionals**: These workers are away from their offices only occasionally.
- **Non-traveling Telecommuters**: These telecommuters do not travel away from the home or corporate office.

Lister (2009) suggests that:

- **20-30 million**: People currently work from their home at least one day each week.
- **15-20 million**: Work on the road (mobile workers).
- **15-20 million**: Work at home part of the time.
- **10-20 million**: Run home businesses.

Even though there are a number of individuals who could work from home, not all do so. While many millions of workers are eligible to work at home, the Telework Research Network (Narisi, 2011) states that just over 2% of the workforce in the United States actually considers home to be their primary place of work. This does not include those individuals who are self-employed or are unpaid volunteers.
Introduction

According to the Telework Research Network:

The exact numbers of telecommuters is not clear. Some estimate that there are over 50 million workers who are eligible to telecommute or who could work at least part of the time from their home. This amounts to 40% of the American workforce (Mathews and Williams, 2005). According to the IDC, the worldwide number of telecommuters will increase from 758.6 million in 2006 (24.8% of the workforce) to 1 billion in 2011 (30.4% of the workforce) (IDC, 2008). Others suggest that the number of jobs that are filled by telecommuters will grow four-fold by the year 2020 (ITIV, 2009).

Whatever the exact numbers, it is clear that as technology continues to improve and companies become more concerned about their employees and the environment, telecommuting will play an ever larger role in the worldwide workforce.

Figure 1. The Consumer Electronics Association, July 2007, Ref. No. D5525

<table>
<thead>
<tr>
<th>Survey</th>
<th>Year</th>
<th>Millions of workers</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Census</td>
<td>2000</td>
<td>~4</td>
<td>Worked from home most of previous week, includes salaried and self-employed</td>
</tr>
<tr>
<td>Current Population Survey</td>
<td>2001</td>
<td>3.4</td>
<td>Wage and salary workers, doing some paid work at home for main job</td>
</tr>
<tr>
<td>Cyber Dialogue</td>
<td>2000</td>
<td>16.3</td>
<td>At least once/month: 7.4M full time workers, 4.3M part-time, 4M contract</td>
</tr>
<tr>
<td>American Community Survey</td>
<td>2005</td>
<td>4.8</td>
<td>Answered &quot;Worked at home&quot; in response to the question &quot;How did this person usually get to work last week?&quot;</td>
</tr>
<tr>
<td>RECS (EIA 2001)</td>
<td>2001</td>
<td>3.6</td>
<td>Households responding &quot;Yes&quot; to &quot;Does anyone work on your computer at home instead of traveling to their employer's place of business?&quot;</td>
</tr>
<tr>
<td>American Interactive Consumer Survey</td>
<td>2004</td>
<td>44.4</td>
<td>&quot;Employed Americans who performed any kind of work from home, with a frequency range from as little as 1 day/year to full time&quot;</td>
</tr>
<tr>
<td>WorldatWork</td>
<td>2006</td>
<td>12.4</td>
<td>&quot;Regular employee who works remotely at least one day per month during business hours&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16.2</td>
<td>&quot;Self-employed individual who works remotely at least one day per month during normal business hours&quot;</td>
</tr>
<tr>
<td>IDC</td>
<td>2005</td>
<td>9.1</td>
<td>&quot;Worked from home 3 or more days each month during regular business hours&quot;</td>
</tr>
</tbody>
</table>
Issues and Concerns

The ability to work on a flexible schedule, from the comfort of home may sound desirable, but telecommuting is not without its downside. It is attended by a variety of benefits and concerns. It isn’t for all workers and it isn’t amenable to all jobs. It is particularly well suited to those individuals who are self-starters, and do well with little direction and/or supervision. It is also well suited to a variety of technology based occupations such as call centers, but for obvious reasons, is not well suited to manufacturing and/or service-related jobs. There are a number of positive aspects associated with the task of telecommuting:

Pros

For communities

- Fuller employment – by including a variety of individuals who otherwise might not be able to work (e.g. work at home parents, caregivers, the disabled, the retired, and individuals who live in remote areas).
- Reduction in pollution – those individuals who telecommute do not contribute to traffic congestion and any resulting pollution.
- Reduction in traffic volume.

For individuals

- Improves the balance between work and life.
- Reduces the carbon footprint and fuel usage.
- Saves commute time. For someone with a 30 minute commute to work, telecommuting will save 250 hours per year (10 full days or 31 eight hour work days).
- Saves money for clothes and fuel. When additional automobile costs are included, such as upkeep and automobile insurance, the savings can be substantial.
- Increases productivity – time otherwise spent commuting can be used more productively.
- Reduces stress.

For companies

- Expands the talent pool by including those individuals who otherwise might be unable to work.
- Reduces the spread of illness, particularly infectious diseases such as the cold and flu.
- A report by Thompson and Knight (2000) state that employers may save as much as $10,000 per year per telecommuting employee.
- Increases productivity – most telecommuters report that they are more productive when working from home.
- Reduces turnover and absenteeism.
- Improves employee morale.
- Telecommuting may be considered a “reasonable accommodation” for those with a qualified disability.

Cons

- In spite of the large number of positive aspects, working from home is not without some difficulty. It:
  - Requires good time-management skills. There is no question that working from home makes the distinction between work and home somewhat hazy.
  - Teleworkers are often not taken as seriously by coworkers or supervisors.
  - Communication issues – since telecommuters are “out of the loop”, it is more difficult for companies to communicate with them. They may miss meetings and other team-related activities.

  Missed job advancement – the “out of sight, out of mind” principle applies here.
  - Lack of contact with fellow employees. This may be a serious disadvantage for some, particularly those whose job involves dependence upon fellow workers.
Legal Rulings

The fact that many employees work from their home has raised some interesting legal issues, not the least of which involves workers’ compensation. One particularly difficult problem is that of determining what is an injury that “arises out of employment”. Take, for example, the case of a telecommuter who trips over the dog on her way to the printer. She claimed that the injury occurred as a result of her employment. After all, if she hadn’t been working, she would not have been using the printer. But, if she had not been working at home, she would not have tripped over the dog. So, was the injury the result of a work-related condition, or not?

In actual fact, the laws governing telecommuters are identical to those covering persons working in a more traditional environment. If an injury and/or illness arises “as a result of employment” or, “in the course of employment” (AOE/COE) then the injury and/or illness is covered by workers’ compensation. If the injury and/or illness is not work-related, it is not covered. The key requirement is that the injury and/or illness is a result of some work-related factor. One recent article quotes a Syracuse-based law firm “…‘if a worker was working out of a home office performing work tasks, and is injured, it is covered under workers’ compensation insurance. However, if the worker is tending to personal business and is injured, such as going to their kitchen and getting a cup of coffee, it is not covered’ (Victoria, 2011).

According to HR Tech News (2008), the guidelines and rulings are unclear about when telecommuters are eligible for workers’ compensation. They state that it is still dependent upon the state and the specific situation surrounding the injury in question.

Three factors should be considered:

1. The time and accident location within the home – did the injury occur during normal working hours and in a place that was designated as a work area?
2. What the worker was doing when the injury happened – was the employee doing work-related tasks or was s/he taking care of personal business or taking a break.
3. What are the employer’s policies for keeping home workplaces safe? Is there a clearly written telecommuting policy?

As an example, the California Division of Labor states the following:

“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.”
Legal Rulings

In 2007, a woman in Nashville filed a workers’ compensation claim against her employer, The American Cancer Society (Wait v. Travelers Indemnity Company of Illinois). She alleged that she had been attacked by a neighbor while she was working at home. Although the Tennessee Supreme Court ruled against her, stating that her injuries did not result from her job duties, they did rule that her status as a telecommuter did not make her ineligible for workers’ compensation. The Court stated that her employer did not set specific work hours, did not prohibit her from taking personal breaks, and did not restrict her activities during work hours.

In 1980, the California Court of Appeals awarded compensation to a college professor who slipped on some papers while at home preparing a class syllabus. While the University provided office space on campus, the professor often worked from his home office. The Court determined that the home office could be considered a second office and that his injury is a result of his employment.

Injuries that occur in a traditional workplace are usually more straightforward and easier to document. Often, when an injury occurs in the workplace, the event is witnessed. It is often immediately reported to the supervisor who is usually trained to take appropriate steps. This doesn’t typically occur when working at home. Often, the injury is not even reported as a workers’ compensation injury. As an example, some injured telecommuters may fear that, if they report the injury as work-related, they may lose their ability to work from home.

There is a clear delineation in duties when working at a specified worksite that is often hazy when working remotely. Was the injured employee actually working on office related activities or not?
OSHA

One of the primary directives of OSHA (Occupational Safety and Health Administration) is to protect the American worker by maintaining a safe workplace. As such, OSHA periodically inspects the workplace. However, since OSHA has limited inspection resources, it focuses the majority of its time on “high risk” workplaces. Recently, recognizing that the American worker was entering a new phase, OSHA responded by introducing a set of guidelines for Home-Based Worksites (OSHA, 2000).

OSHA states that it “will not conduct inspections of home offices, will not hold employers liable for home offices, and does not expect employers to inspect home offices.

The policy for home based offices includes the following:

- OSHA does not apply to an employee’s house or furnishings.
- The agency will not hold employers liable for non-work activities in employees’ home offices.
- OSHA does not expect employers to inspect home offices.
- The agency will not inspect home offices (unless a complaint is made).
- Injuries and illnesses that occur in home offices must be logged by the employer as required by OSHA’s record keeping rule.
- Employers are responsible for the safety of workers employed in home offices.

On the one hand, OSHA holds the employer accountable while simultaneously stating that it will not perform any inspections, nor does it require employers to perform any inspections of home offices. Whether or not this approach will stand remains to be seen.
Protection

As with any other workplace health and safety issue, there are a number of steps that companies can take to protect themselves and their workers. The following suggestions are made in an attempt to minimize potential problems:

**Select appropriate employees for telecommuting**

Not everyone is suited to working from home. It is suggested that employees earn the right to work from home, possibly by gradually introducing them to the idea. In other words, perhaps employees should initially be allowed to work from home on a limited basis. As they become more accustomed to the different arrangement, more time telecommuting may be added to their schedules. It is worth noting that caution should be taken here to ensure that the Americans with Disabilities Act is not ignored.

**Email and/or fax work assignments**

Rather than having employees make a trip to a primary worksite, it is preferable to send them work assignments. This has the advantage of reducing travel time and costs. It also reduces the chances of injuries that may be caused by traffic accidents.

**Set fixed hours**

One of the advantages of working from home (telecommuting) is the flexibility of working at odd hours. However, it is best to establish “normal” business hours, i.e. those that are designated for work and those that are allotted to other duties. If employees are injured during “normal working hours”, it is much easier to establish that they were “on the job”. Injuries that occur outside normal working hours are more than likely, not work-related. In this regard, it is also suggested that employees are clear that the lunch hour is not considered part of the telecommuting day.

**Define the work area**

As with establishing a fixed set of working hours, it is important to establish physical boundaries for the “home office”. It is important to clearly establish what area(s) of the home are considered to be part of the work environment and what areas are not work-related.

**Teach employees about injury prevention**

Whether or not workers telecommute, each should be armed with adequate education. For example, it is important to assist telecommuters with ergonomic principles and how to set up an appropriate work station. The same attention that is placed on establishing good ergonomic principles in the work place should be provided to those individuals who work from remote locations.

**Check the work site**

Whenever an employee is given the opportunity to telecommute, it is important to evaluate the area that s/he will be working from. Most employers do not evaluate home offices of their employees. Others may evaluate a home office only upon a request by the employee. It is important to respect the privacy of the home when any inspection is to be performed.

**Require proper reporting procedures**

Ensure telecommuting employees are knowledgeable about reporting an injury. When workers are telecommuting, they are usually not supervised. The normal reporting procedure, therefore, is missing. OSHA requires that all work-related injuries and/or illnesses be reported in a timely manner. Whenever an injury or illness occurs in the home office, the same reporting guidelines apply.
Protection

**Carry liability insurance**

In the event that an employee or a visitor is injured at a home office, and the injury is not covered by the workers’ compensation policy, it is helpful to have liability coverage.

**Establish a telecommuting policy**

It is important to establish a well-drafted corporate policy regarding telecommuting. Make sure all employees who telecommute are provided with a copy of the policy and agree to the terms. While such policies may not be binding in court, they can go a long way toward establishing the ground rules and expectations.

Thompson and Knight (2000) state such a policy should contain the following:

- Definitions
- Policy statement
- Principles of telecommuting
- Voluntary
- Selection of telecommuting candidates
- Equipment assignment
- Performance evaluation
- Time-keeping
- Employers’ sole discretion
- Dependent care
- Inspection
- New hires

They also state that the policy should address such questions as:

- Functions
- Selection guidelines
- Support
- Required facilities
- Safety requirements
- Expenses
- Documentation
- Work hours
- Chain of command
- Evaluations
- Exceptions
Summary and Conclusion

Telecommuting is here to stay. As technology continues to advance, and as individuals and companies become more concerned with their carbon footprint, an increasing number of individuals are likely to take advantage of the benefits and flexibility of telecommuting. For most individuals, telecommuting offers a way to increase their control over the work environment while simultaneously reducing their stresses, both physical and financial. However telecommuting is not for everyone and comes with a cost. It requires an individual who is comfortable working alone and can deal with the interruptions of normal family life. For companies, telecommuting may be a boon, reducing their overhead, improving employee morale, and increasing the available pool of eligible workers. For communities, telecommuting reduces traffic congestion and pollution.

At this time, the impact that telecommuting will have on workers’ compensation and the workplace is still somewhat unclear. For the most part, those individuals who choose to telecommute are typically older, more experienced, more committed to their employers, and generally less likely to file a workers’ compensation claim. However, as technology improves and the demand for telecommuting increases, what injuries are work-related and what are not will become more and more important.

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