

Assessing workplace risks for staff working remotely (3/15/20)

Section 8 of the Work Protection Act is silent about assessing work environment risks when working remotely, yet the current rules provide that this assessment should be made either at the workplace or for the type of work.

Statutory requirements

Paragraph 17 of the Cabinet of Ministers' Rule No. 660, *Internal monitoring of the work environment*, requires the employer to conduct an assessment of work environment risks in all workplaces.

Remote work can be done at the worker's dwelling place, any other private or public place, or even at two or more locations. So the employer has to find out where the employee is doing work and whether work environment risks can be assessed there. If this is possible, it should be done at that workplace or workplaces. If this is not possible, then work environment risks should be assessed for the type of work.

The Work Protection Act provides that the worker may be involved in assessing work environment risks. So the worker is not legally required to give the employer access to their dwelling place. Also, given the worker's right to inviolability of their domicile, the employer cannot assess work environment risks at the worker's dwelling place without their consent. If the worker does not allow the employer into their dwelling place, the employer is unable to assess work environment risks for that workplace but they can be assessed for that type of work.

As from 1 July 2020 the Work Protection Act will include the concept of "remote work." The amended legislation will require the worker to cooperate with the employer and to provide the employer with information about any working conditions capable of affecting the worker's health and safety. This will maximise the worker's involvement and role in assessing their work environment risks.