

## EMPLOYERS' LIABILITIES in Surveyors' Offices



*“You think safety is expensive – try having an accident!”*

**Sir Stelios Hajiloannov**  
(Easyjet PLC)

### Are you sitting comfortably?

#### Home workers

16 years have passed since enactment of *The Health and Safety (Display Screen Equipment) Regulations 1992 (SI 2792)* but, as an increasing number of surveyors (and other professionals) choose to work from an office at home - either employing secretarial staff directly, or on a part-time basis where each employee is engaged as a 'home-worker' in their own premises, there is a need to take care that the Regulations are not breached.

Musculo-skeletal disorders in the upper body are becoming commonplace in office workers as a result of poor ergonomic work-station design. Complaints about the neck, wrists and shoulders are a particular issue.

#### Occupational injury

A press release of a study by *ViewSonic Europe* in 2007 claims that 77% of workers suffer eye-fatigue; 71% suffer backaches; 67% suffer headaches, and pressure of work discourages 31% of workers from taking 'ergo-breaks'; 47% of employees haven't been 'ergo-advised' on correct posture. More alarmingly, two-thirds of employees “*would consider suing their employer over health issues*”.

#### Keyboard users

Anyone who employs staff using a keyboard or sitting at a desk is advised to undertake a review of the ergonomics of work stations where work is carried out for their practices - not just in the office directly, but also for those employees who carry out work for the practice from their own homes on a regular basis. Use of a laptop with integral keyboard is not advised for anything but work of short duration.

#### Employers obligations

Some aspects of the Regulations are worth remembering when considering the welfare of employees.

- a. The absolute duty of an employer to ensure that, where work is carried out for his undertaking, **an analysis of all work stations** is undertaken (regardless of who has provided them), to assess health and safety risks.
- b. Every employer is responsible for ensuring that display screen users take **regular breaks**, to reduce work-load.
- c. An employer is responsible if requested, for providing (and meeting the cost of) an appropriate **eye and eyesight test for display-screen users** and regularly thereafter. And for providing **appropriate corrective appliances** (i.e. spectacles) if required specifically for the work.
- d. Use of a work station must not be a source of risk for a user and, in particular, **the following apply:**
  - **stable images** for display screens (i.e. no flickering);
  - **adjustable brightness and contrast** between the characters on the screen and the background; i.e. free of reflective glare and reflection;

<p><b>Employees' health history</b></p> <p><b>Pregnant employees</b></p> <p><b>Legal notification of certain injuries</b></p>	<ul style="list-style-type: none"> <li>• screen which can be <b>adjusted</b> for the needs of the user (i.e. swivels and tilts easily);</li> <li>• keyboard which is <b>tiltable and separate</b> from the screen; matt surface to reduce glare;</li> <li>• <b>work surface of sufficient size</b> to accommodate screen, keyboard, documents etc, and</li> <li>• <b>sufficient space</b> to support hands and arms;</li> <li>• <b>work chair: stable</b> with <b>adjustable seat</b> (height) and <b>back</b> to provide lumbar support and <b>adjustable</b> (i.e. in height and tilt); <b>footrest</b> to be made available if requested;</li> <li>• environment to be <b>adequately lit</b>, and with sufficient space for the user to change position and to <b>avoid direct glare</b> from windows or task lights;</li> <li>• provision of <b>training in software programmes</b>.</li> </ul> <p>When interviewing staff for employment it is sensible to ask basic questions about general health, to ensure that the work offered does not aggravate any existing conditions such as arthritis, RSI or other musculo-skeletal problems.</p> <p>Employers also have particular responsibility under Regulation 16-18 of the <i>Management of Health and Safety at Work Regulations 1999</i> to employees who are either pregnant or who have recently given birth, and careful (and sympathetic) enquiry should be made at the time of interview to determine whether special consideration needs to be given - particularly for women who may be taken on to carry out work for the practice from their own home.</p> <p>As a final consideration, it is worth remembering that it is a legal requirement* for an 'employer' to notify the <i>Health and Safety Executive</i> (HSE) immediately if an employee suffers certain specific occupational diseases if diagnosed by a medical practitioner, including <b>cramp of the hand and forearm</b> (e.g. Repetitive Strain Injury - RSI); <b>bursitis</b> (e.g. 'students elbow'); <b>carpal tunnel syndrome</b> and <b>traumatic inflammation of the tendons of the hand and forearm</b> ('tendonitis').</p>
<p><b>Useful Guidance</b></p>	<p><i>*Reporting of Injuries (Diseases and Dangerous Occurrences) Regulations 1995 (RIDDOR)</i></p> <p style="text-align: right;">© R.H. Hulls: March 2009 from Spring Newsletter 09</p>