



**ALFA International**  
THE GLOBAL LEGAL NETWORK

## 2022 Workers' Compensation Seminar

March 23-25, 2022

### MIDNIGHT IN THE GARDEN OF REMOTE AND HYBRID WORK: A PANEL DISCUSSION ON WORK FROM HOME EFFECTS ON YOUR WORKERS' COMPENSATION PROGRAM

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# Workers' Compensation in the **GARDEN** OF **GOOD**, AND **EVIL**?

**ALFA INTERNATIONAL 2022 WORKERS' COMPENSATION SEMINAR**

**MARCH 23-25, 2022**

**JW MARRIOTT PLANT RIVERSIDE DISTRICT**

**SAVANNAH, GEORGIA**

**[www.alfainternational.com](http://www.alfainternational.com)**



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Workers' Compensation in the **GARDEN OF GOOD, AND EVIL?**  
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**Midnight in the Garden of Remote & Hybrid Work:  
A Discussion on Work From Home Effects on  
Workers' Compensation Programs.**



# INTRODUCTION

- Nearly one in four Americans is now working from home, but business continues to see increases in productivity. Moreover, employees are finding more flexibility and satisfaction in their work. It appears increasingly likely that remote work or some form of hybrid work will continue well into the future for many companies.
- What has been the impact of remote work on workers' compensation programs?
- What challenges will we face with continued remote and hybrid work?



ONE CALL NATIONAL WORKERS' COMP DATA

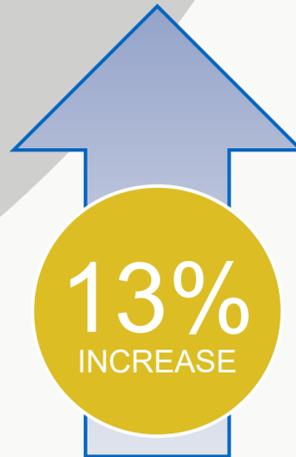
# Repetitive Motion Injuries

WRIST OR FOREARM  
SPRAIN/STRAIN/  
CONTUSION

Q4 2019  
VS.  
Q4 2020



PAIN IN  
HAND/FINGER



CERVICAL  
RADICULOPATHY



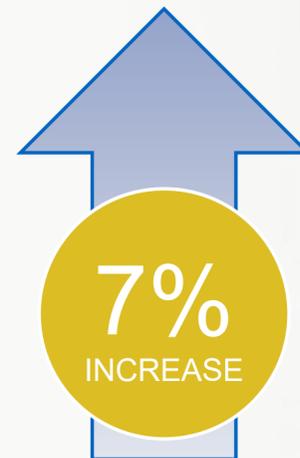
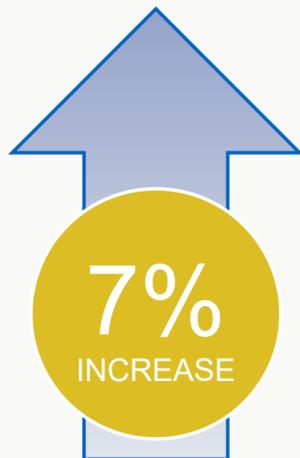
CARPAL TUNNEL  
SYNDROME



LOW BACK  
PAIN



Q4 2019  
VS.  
Q4 2021



## ADDITIONAL “COSTS”:

- Including reduced productivity
- Loss of work hours
- Replacing an employee who can't work



CHALLENGES OF REMOTE/HYBRID WORK

# Improper Workstations

Using couch  
for  
workspace



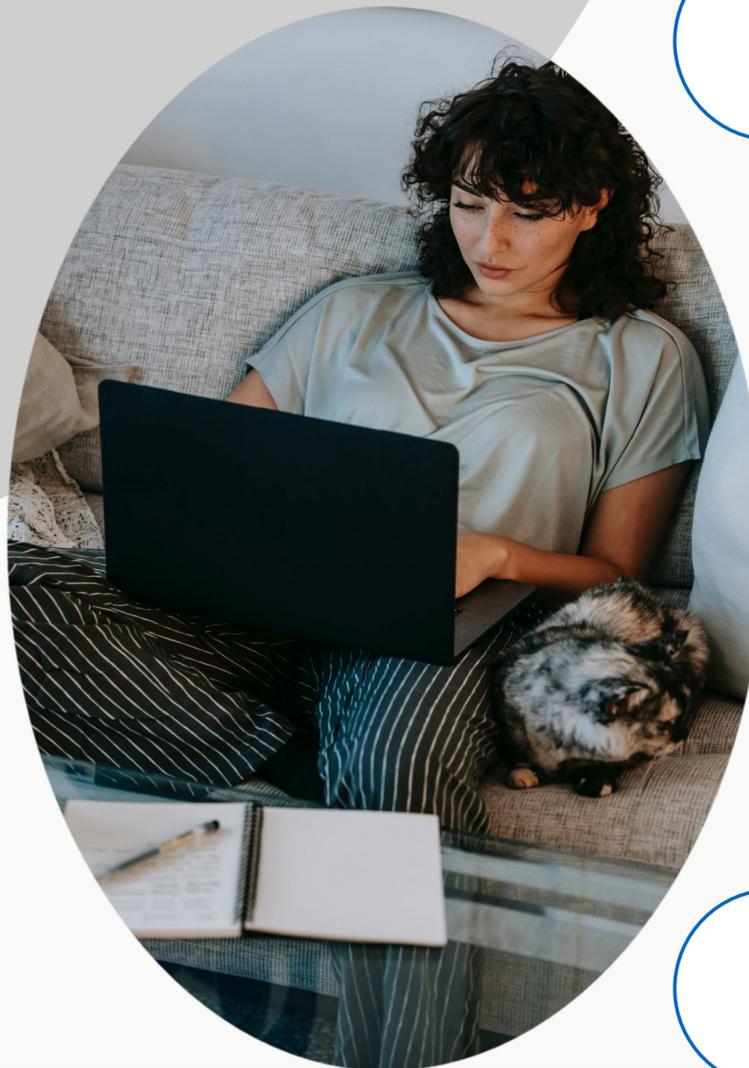
Sitting at  
kitchen  
counter

Wrists  
strained from  
working at  
dining room  
table

INTELLIGENT CARE AT WORK



# Prolonged Computer Use



- Typing without breaks
- Forceful typing or gripping
- Awkward postures
- Static positions
- Contact stress



ONE CALL NATIONAL WORKERS' COMP DATA

# New Types of Injuries

Must address adverse health effects from additional computer use and other handheld devices



**GAMER'S THUMB**



**TECH NECK**



SOLUTION

# Proper Ergonomics

**Proper Ergo plan ~\$39,000 vs. single injury cost up to \$64,953\***

- Ergonomics guide
  - Proper workstation checklist
  - Stretching examples
  - Posture guidelines
- Ergonomics Testing
- Correct Equipment
  - Chair with proper base settings
  - Monitor stand

**WORKPLACE WELLBEING:**  
A Wellness Guide for Remote Work

**WORKPLACE WELLBEING:**  
A Wellness Guide for Remote Work

**WORKSTATION ERGONOMICS**

**CUSTOMIZE YOUR WORKSTATION BY IMPROVING ERGONOMICS!**

The average American spends 13 hours sitting each day.\* With such a large part of our day spent at work, here are a few helpful hints to quickly and easily improve the ergonomics of your workspace by making minor adjustments!

**Are you tall or short?**

- Short: raise chair for elbows to clear desk height and use a foot rest if feet are no longer flat on the floor
- Tall: place risers under the desk to raise desktop

**Hands sore or fatigued?**

- Avoid resting forearms on hard surfaces
- Lighten up! Avoid aggressive typing or mousing
- Rotate tasks to break up repetitious work
- Use arm or wrist rests only at rest

**Wear bifocals or trifocals?**

Adjust your monitor based on your prescription

- Bottom readers: lower monitor
- Center readers: position top of monitor at eyebrow level
- Top readers: raise monitor

**Feeling eyestrain?**

- Dry eyes: lower monitor for better eye lubrication
- Eye fatigue: take an eye break every 20 minutes
- Neck fatigue: keep document holders close to monitor to minimize neck motion

**Have shoulder strain?**

- Adjust chair arm position
- Assess chair width
- Narrow shoulders: try a narrower keyboard

**Don't forget to stretch!**

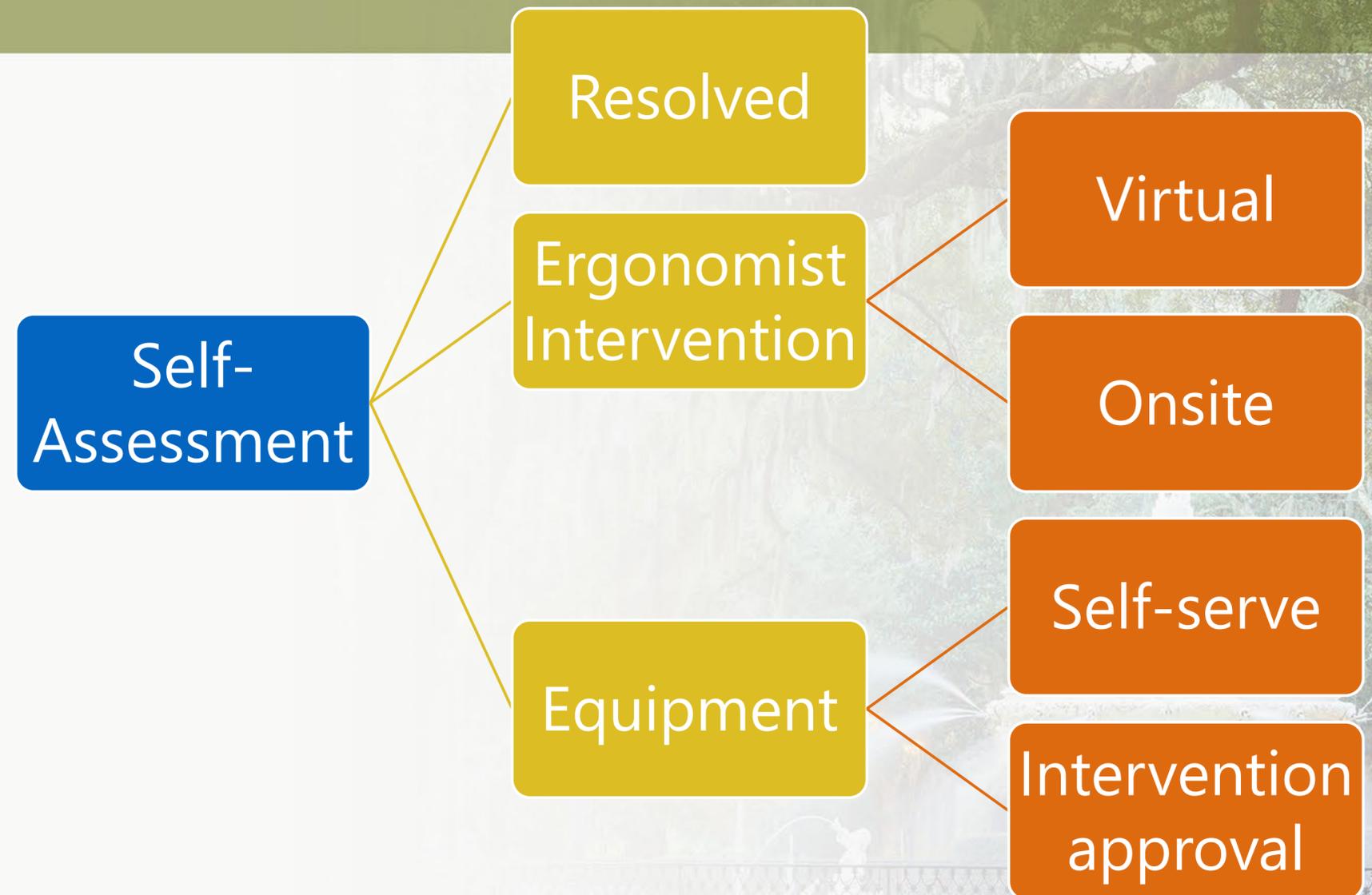
\*Source: <http://money.usnews.com/money/blog/outside-voices-careers/2013/08/22/are-you-suffering-from-sitting-disease>



SOLUTION

# Technology Driven Self-Assessment

- Self-screening tool
- Proactive identification of high-risk users
- Identifies users with discomfort
- Identifies areas for improvement
- Can pinpoint equipment needs
- Reporting for next steps
- Cost effective
- Customizable

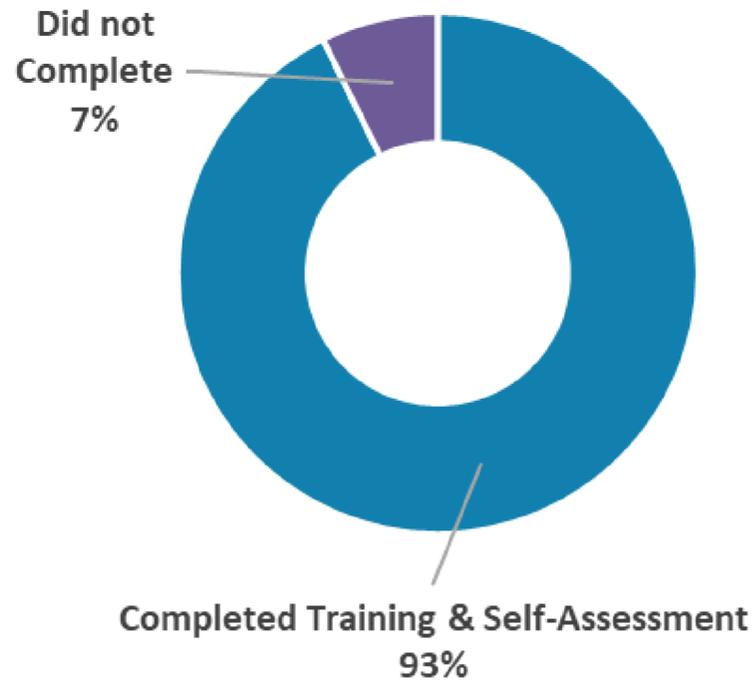


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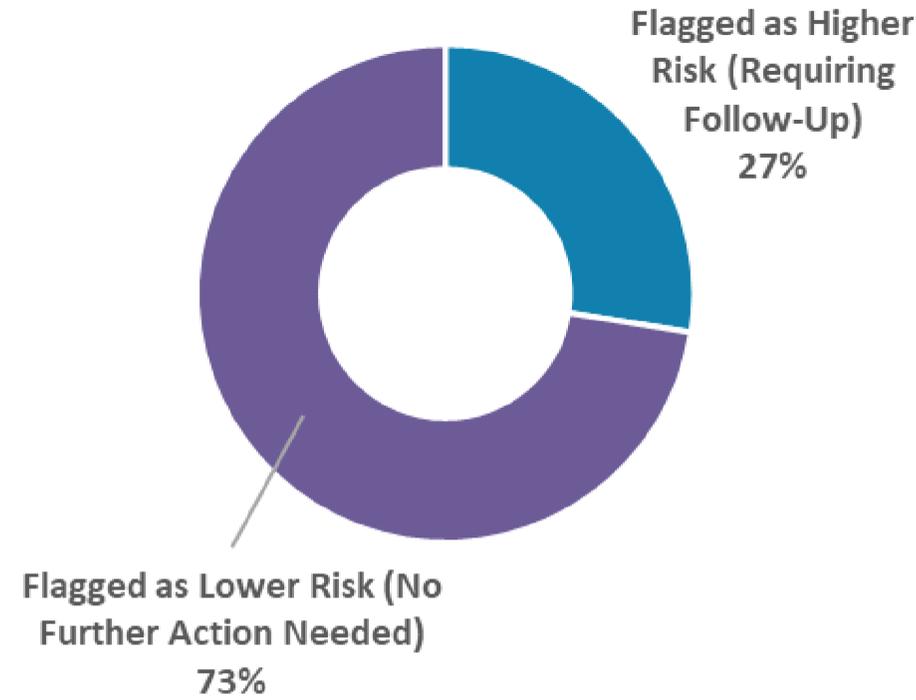
# ONE CALL PROGRAM CASE STUDY – COMPLETED IN 2020



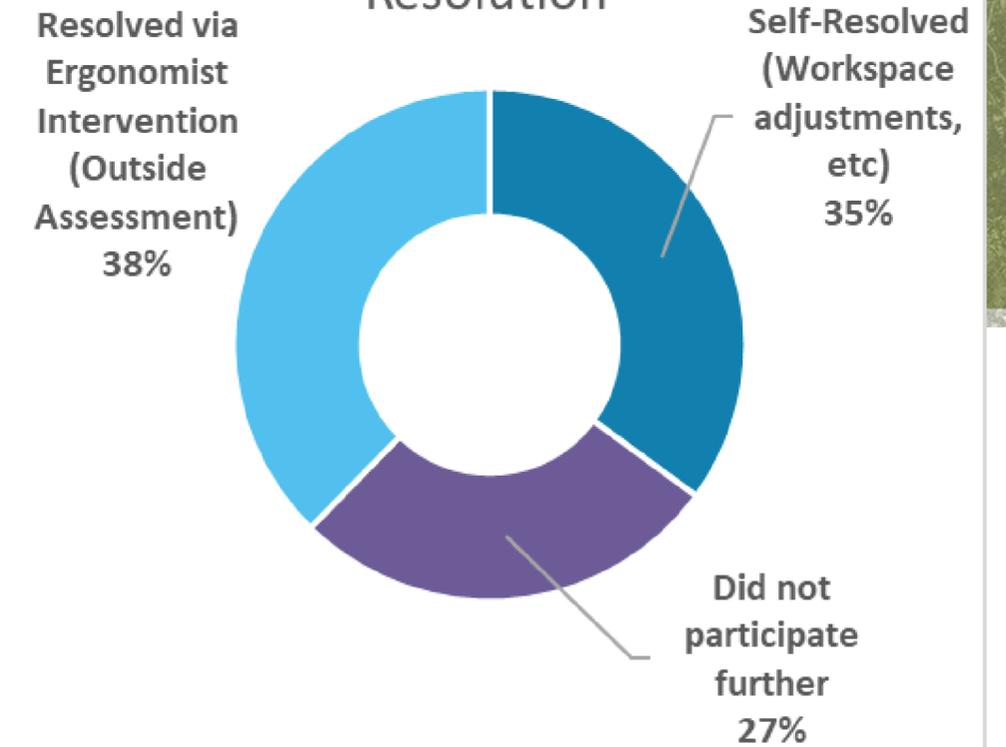
### User Participation



### Risk Profiles



### Resolution



One Call Ergonomics Case Study	Total	% of Total Participants (302)	% of Higher Risk Participants (77)
<b>Participants who completed training &amp; self-assessment</b>	<b>280</b>	92.7%	
<b>Participants flagged for follow-up (higher risk)</b>	<b>77</b>	25.5%	
• Self-resolved (workspace adjustments, etc.)	27	8.9%	35.1%
• Did not participate further	21	6.9%	27.3%
• Resolved via Ergonomist Intervention (outside assessment)	29	9.6%	37.6%
• Participants identified as needing equipment	14	4.6%	18.2%
<b>Participants exiting program with identified low or reduced risk*</b>	<b>259</b>	85.8%	

\*Does not include participants who did not complete assessment or follow up



# Schneider Electric Remote Work Ergonomic Challenges

## Mid March 2020

- 16,600 office employees pivoted to a fully remote work environment.
- 5,500 factory workers furloughed until July 1, 2020
- 1,000 Field Service Technicians deemed “essential workers” thus maintained full time status to maintain critical customer electrical systems.



# Remote Work Ergonomic Challenges

**April 2020**

- Schneider Electric introduces “New Ways of Working Program”
- Return to office 3x week by July 2020
- Employees needed to expend 50% of their PTO by June 30, 2020
- Part time status offered to employees in “non-critical” functions
- COVID-19 Reporting & Tracking module introduced



# Remote Work Ergonomic Challenges

**May 2020**

- Company introduces Home Office Enhancement program
- New desks & chairs shipped to employees' homes
- 4,300 US based employees took advantage of this offer



# Remote Work Ergonomic Challenges

Fast forward to March 2022

- 59 sites in the United States (Sales and Field Offices, Manufacturing and Distribution Centers) closed since 2020.
- 1.3 Million Square foot reduction in real estate footprint.
- Annual savings of \$26.7M USD/\$133.5M over 5 years.
- Creation of Workplace of the Future\* – Pivot to regional Hubs (Houston, Chicago, Boston, Toronto, Phoenix, St. Louis, Raleigh, Minneapolis)

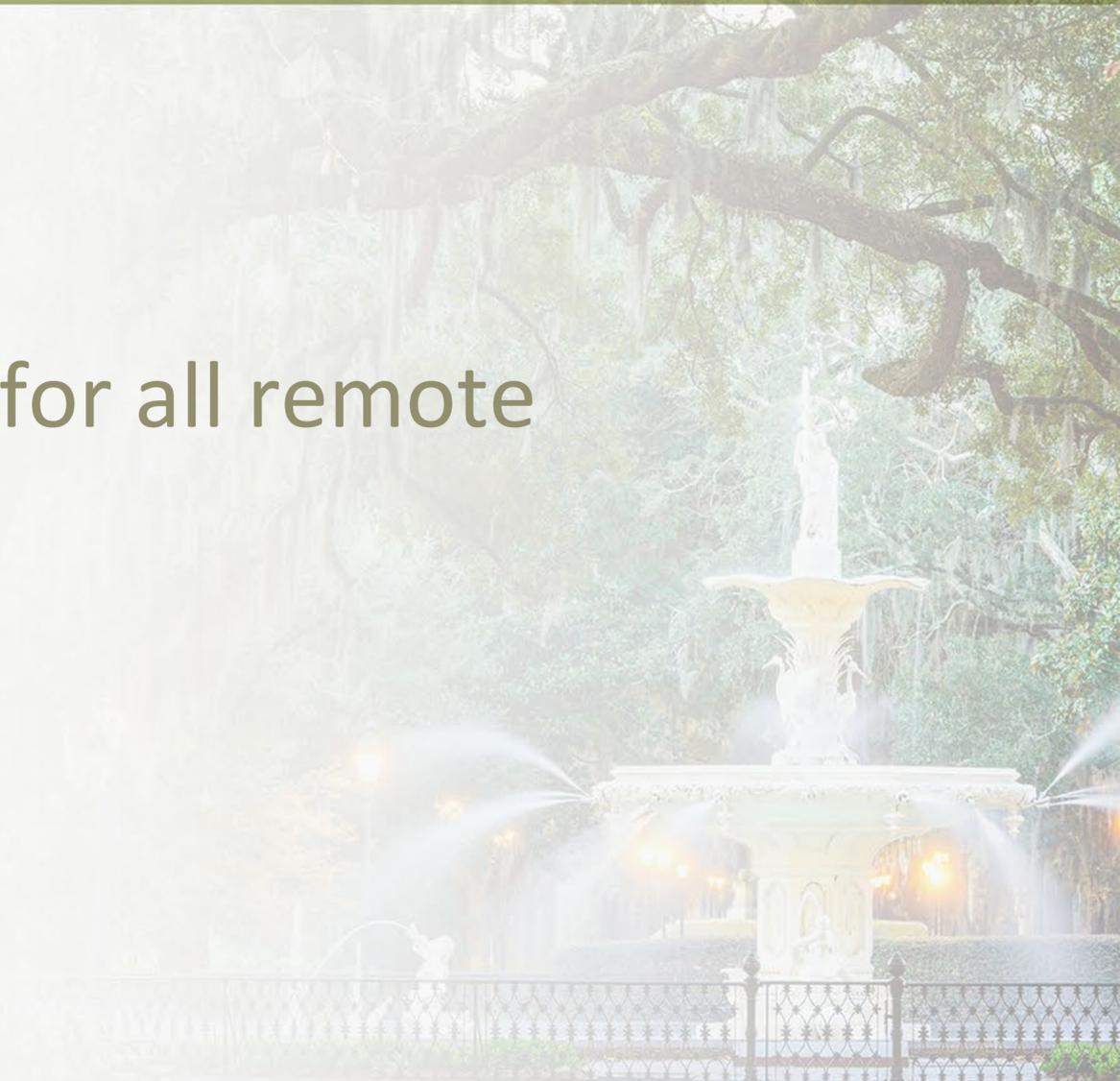
INTELLIGENT CARE AT WORK



# Remote Work Ergonomic Challenges

## Ergonomic Assessments

- Safety team implemented ergonomics training for all remote employees
- Self-assessment tools and surveys introduced.
- Coaching and E-consultation offered
- 500+ employee interactions on ergonomics





# Schneider Electric - Successes/Challenges

## Successes:

- Schneider managed to avoid any outbreaks within our US facilities or any cases related to work.
- To date – **ZERO** – WC claims resulting from workstation ergo issues.
- Step Challenges every quarter. Cash incentives, bragging points.

## Challenges:

- Uptick in HR issues ( performance, attendance, productivity, etc.)
- Isolated WC claims for “psych” injuries” due to performance plans
- Delays in implementing NWOW.



# Recommendations for Remote Work Employees

1. Discuss ergonomic work-stations.
2. Provide training to employees on how to avoid CTDs through proper ergonomics and work practices.
3. Educate employees on early warning signs of CTDs.
4. Encourage early reporting and treatment to reduce exposure.



## ADDITIONAL REMOTE CONSIDERATIONS

# Riding the Remote Struggle Bus

- **External Factors/Distractions:**

- Noisy neighbors
- Vendors (roofers, yard work, cars passing by)

- **Professional Complications**

- Lack of communication
- Remote management
- Decreased sense of security
- Uncontrolled environment

- **Personal Battles:**

- Social isolation
- Self-managing schedule & time
- Workspace becomes personal space

- Natural disaster
- Home emergency
- Internet outage

- Could increase claims of slips/trips
- Lack of attention to cords and other hazards

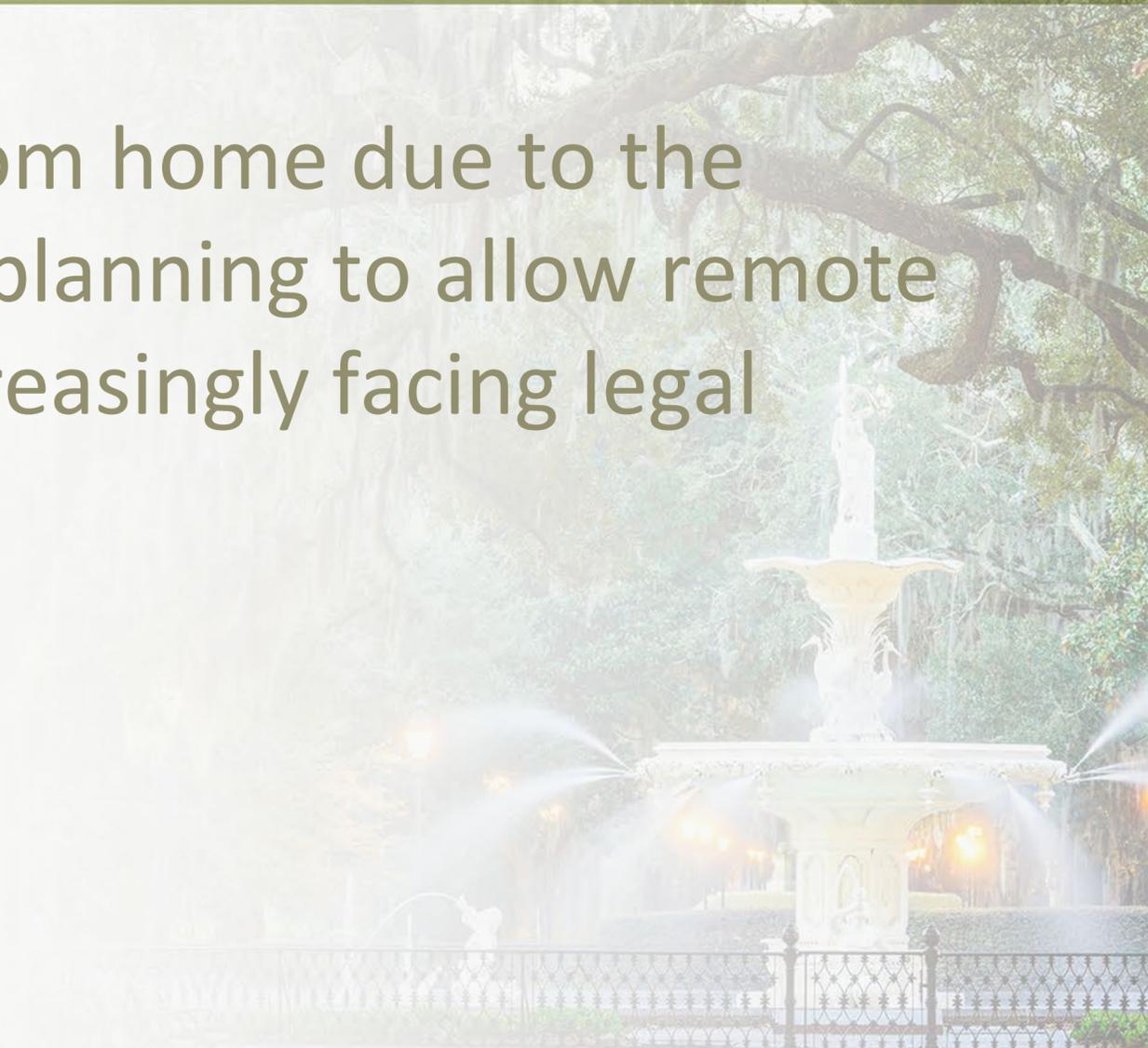
- Risk of deconditioning
- Increase in mental health struggles
- No true separation of work & life

INTELLIGENT CARE AT WORK



# Legal Challenges of Remote Work

- With large numbers of employees working from home due to the coronavirus pandemic, and many companies planning to allow remote work on a long-term basis, employers are increasingly facing legal issues unique to remote work.





# Workers Compensation Compensability

- Remote and telecommuting workers are typically covered under workers' compensation laws if the injury **arises out of and in the course of** employment.
- Regardless of the location where the incident occurs, if the worker is injured while completing a work task, during work hours, then their injury or illness may be compensable under workers' compensation.
- Creates numerous problems for employers in their investigation and handling of work injuries of their employees.



# Course and Scope of Employment

- For on site/ in person employees, this is generally the time from when they clock in in the morning and clock out at night.
- Injuries occurring during that time, with some exceptions that vary state by state, typically occur in the course and scope of the employment.
- Some questions to consider....



# Course and Scope of Employment:

Start and end time of workday

- Does it start when they log on to their computer in the morning?
- Does it end when they log off at night?
- What if they start work at 6 am instead of 9 am and then take a 3 hour break in the middle of the day?



# Course and Scope of Employment:

Commuting from home to work

- Generally, an employee traveling between their home and place of employment is not considered to be in the course and scope of their employment. Again, each state has certain exceptions to this such as if the employment requires employees to travel for their job or if transportation is provided to the employee.
- What if an employee doesn't generally travel for work, but is required to travel between their home office and their physical office for a meeting and is involved in an accident?



# Arising Out of Employment

For an injury to arise out of the employment, it has to be tied in some fashion to their job. An employer maintains control of the premises so accidents occurring there because of defects in the premises can be compensable.

**Working from home, the employer loses that control.**

- What happens when an employee trips on the way to the printer over a dog under the table?
- Or slips on water a child spilled in the kitchen?



# Arising Out Employment

## Mental Stress Claims

- While working remotely, some employees feel disconnected and experience a sense of isolation.
- Others feel inescapably overwhelmed with the stress of having kids and partners at home all the time, and the lines between professional and personal time are often blurred.
- For those states that allow mental- mental claims only, how can you prevent exposure?



REMOTE WORK

## Best Practices & Workplace of the Future

- **Policy & process clarity** – telecommuting, internet/supplies, injury reporting, ergonomics evaluations & actions, acceptable workspace & environments...etc.
- Emphasis and consistent reminder on **security awareness**
- **Time management** – No Meeting Thursday, 25/55 calendar rule
- Reduced **real estate** footprint - Hub design
- **“Permanently” hybrid** –with hoteling offices, health checks, travel and meeting requirements
- **Enhance employee experience** - more choices and control, increase productivity
- Refined **recruiting** techniques – attract & retain talent
- Improve **branding** and **image**



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**THANK YOU!**