

Telecommuting is Changing the Workers' Comp Landscape

Technology has spurred growth in telecommuting across the country, giving employers and employees options they never had before. For employees, for example, the ability to work from home eases the burden of child care and also eliminates the need to travel to and from work. For employers, having home-based employees can open office space during busy periods or provide cost savings by having employees work off site.

But what happens if a telecommuting employee gets hurt at home while on the job? While workers' compensation laws are explicit as to how workers file claims for compensation while at an office or factory, it's unclear exactly what an employer's liability might be in the event a work injury occurs at home. [Workers' compensation](#) experts say there is some certainty in the law if the employer exerts any control over the home workplace.

Home equipment requirements that result in injury could be the basis of a claim. Less certain is what happens if the employer exerts no influence, yet the home could be considered dangerous. Experts say a court could still find the employer liable. The laws covering employees who telecommute remain underdeveloped, and experts say legislation is required to specify an employer's liability. In one scenario, employers can define telecommuting employees as independent contractors. However, a court could disagree if the employee receives an annual W-2 and health and pension benefits as all other employees do.

Among the ideas being considered are mandatory training for telecommuting workers, inspections of their homes and a requirement that employees work out of the main office at least one day per week.