



State Indemnity Guidance

SIG 17: Remote working in delegated State authorities

a) What is a remote working arrangement?

Under the Work Life Balance and Miscellaneous Provisions Act 2023, a remote working arrangement means an arrangement whereby some or all of the work ordinarily carried out by an employee at an employer's place of business under a contract of employment is provided at a location other than at the employer's place of business without change to the employee's ordinary working hours or duties. Remote work can take place at a domestic setting or at a remote working hub¹.

b) Does State indemnity apply when an employee is remote working?

Yes, State indemnity applies for all remote working activities and indemnifies delegated State authorities (DSA)², its servants and/or agents in respect of any claims for personal injury and/or third-party property damage, arising from their negligence. It applies to all approved business activities carried out by the DSA regardless of where those work activities are being carried out.

c) Are there circumstances where State indemnity will not respond?

State indemnity cannot be extended to cover the liabilities of a third party. For example, incidents where the homeowner/a remote working hub enterprise is the negligent party or where accidental injuries/damage that may arise unrelated to an employee's employment.

d) Is Display Screen Equipment or furniture supplied by a delegated State authority to employees working remotely covered under State indemnity?

Yes, State indemnity will apply to Display Screen Equipment (DSE)/furniture supplied by a DSA, but not defective products. DSAs should ensure that appropriate procedures and processes are in place

to inspect office equipment and furniture, as required, to ensure they are installed, maintained, and repaired or replaced as necessary.

e) Do employees require additional insurance when remote working?

There is no requirement to purchase additional insurance for remote working. In some cases, employees may have existing domestic insurances which covers personal and public liabilities as an occupier/owner of their home. In these cases, it is recommended that employees notify their insurers of their working arrangements. Remote working hubs are required to have their own insurances in place to cover their liabilities, such as public liability insurance.

f) What responsibilities do delegated State authorities have to employees who are remote working?

A DSA has a duty of care for its employees both in the office workplace and when working remotely. DSAs should develop a remote working policy which outlines the arrangements for remote working, including the responsibilities of both the employer and employee, approval process, workplace activities, etc. In addition, policies and procedures should consider the impact on those working remotely.

g) What is an employee's responsibility when remote working?

Employees have a personal responsibility to take reasonable care of their own safety and the safety of others who may be impacted by their work when working remotely. They must also comply with the requirements set out by their employer in a remote working policy such as:

- Participating in risk assessments

¹ **Remote working hubs:** This is a third-party location that acts as a coworking space where employees can work remotely. These are not owned or managed by a DSA.

² **Delegated State authority (DSA):** Refers to all bodies where management of personal injury and third-party property damage claims against the body is delegated to the SCA. This includes State agencies, healthcare enterprises, community and comprehensive schools and prisons.

- Reporting accidents or any issues (e.g. slips, trips and falls, work-related stress, workstation hazards, equipment defects, data breaches, etc.) as per policies and procedures
- Facilitating any investigations arising from incidents

h) Are delegated State authorities required to report remote working incidents to the State Claims Agency?

DSAs are required to report any adverse incident, inclusive of remote working incidents, to the State Claims Agency (SCA) in line with the DSA's incident reporting policy and via the National Incident Management System (NIMS) or by forwarding a soft/hard copy to the SCA should NIMS reporting not be available. When reporting a remote working incident, it should be recorded as an offsite incident and the term 'remote working' included in the brief description.

i) How will the State Claims Agency manage remote working claims?

In the event of an adverse incident while an employee is remote working, any subsequent liability should a claim be made, will depend on the circumstance of the case and who was the negligent party. Each claim will need to be investigated to identify the negligent party. In the event of negligence on the part of the DSA, State indemnity would respond.

j) When to contact the State Claims Agency?

Please contact your local insurance/risk manager or email stateclaims@ntma.ie should you have any risk, insurance or indemnity queries relating to remote working.

Useful resources on remote working:

- Department of Public Expenditure and Reform, [Blended Working Policy Framework for Civil Service Organisations, 2022](#)
- Department of Enterprise Trade and Employment [remote working checklist for employers](#)
- Health and Safety Authority Occupational Safety and Health Guidance on [Remote Working](#)
- Work Life Balance and Miscellaneous Provisions [Act 2023](#)
- HSE [Blended Working Policy](#) for the Public Health Service 2022

This State Indemnity Guidance is solely for the use of members of the State indemnity schemes managed by the State Claims Agency, in accordance with its mandate under the National Treasury Management Agency (Amendment) Act, 2000. The State Claims Agency does not bear responsibility for use of or reliance on the guidance by any party other than a delegated State authority.