



## **Croner @ CCH Office Health & Safety Briefing Display Screen Equipment**

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### **The official position on eye tests and VDUs**

*In this article Roger Marriott, of The Marriott Consultancy, will examine the aim and practical application of just one part of the Health and Safety (Display Screen Equipment) Regulations 1992: the duty for an employer to provide an eye and eyesight test when requested to do so by a DSE user.*

*The purpose of the article is to attempt to clarify precisely what the legislators intended and to describe how their intentions may be carried out by employers.*

#### **Introduction**

When, in January 1993, the Health and Safety Regulations 1992 (DSE Regulations) came into effect, many people suggested that they would have little or no impact and that they were an unnecessary and bureaucratic imposition.

How wrong they were. Indeed, as so many people have come to rely on computers and terminals with their tremendous versatility, especially the many high speed capabilities of electronic communication, the impact the DSE regulations have been widespread and positive.

#### **The legal requirements**

Free eyesight tests must be provided for "users" on their request or where there is visual difficulty in carrying out display screen work – the tests must be repeated at appropriate intervals, i.e. every two years or as advised by an optician. Where glasses or other corrective appliances are necessary the employer must provide those free of charge, but only to the extent of the cost of basic frames and the lens prescription necessary to do the display screen work.

#### **Who is entitled to eye and eyesight tests?**

The DSE Regulations were designed to protect employees and self-employed people who habitually use display screen equipment as a significant part of their normal work.

The Regulations define employees who are covered as "users". It is immaterial whether they work at a workstation at home, at their own employer's workstation. Self-employed people who work at the client employer's workstation and whose use of display screen equipment is such that they would be "users" if employed, are defined as "operators"

#### **Who, within the organisation, is a DSE user?**

The first challenge facing the employers is to determine whom, within their organisation is a DSE "user". Those doing so on the limited basis of the amount of time an employee spends on DSE work during each day or week, are missing one of the fundamental points of these regulations.

The regulations are designed to protect people from hazards associated with this kind of work and the hazards are mainly those that lead to musculoskeletal problems, visual fatigue and stress. The likelihood of experiencing problems will depend upon the frequency, duration, intensity and pace of spells of continuous use of display screen equipment.

It is therefore inappropriate to make a judgment purely on the amount of time spent on DSE work, but rather to consider all elements of the work done by each individual and then make a judgement, using the following list of criteria which is drawn from the official Guidance on the DSE Regulations:

- a) The individual depends on the use of display screen equipment to do the job, as alternative means are not readily available for achieving the same results
- b) The individual has no discretion as to use or non use of the display screen equipment
- c) The individual needs significant training and/or particular skills in the use of display screen equipment to do the job
- d) The individual normally uses display screen equipment for continuous spells of an hour or more at a time
- e) The individual uses display screen equipment in their way more or less daily
- f) Fast transfer of information between the user and screen is an important requirement of the job
- g) The performance requirements of the system demand high levels of concentration by the user, for example, where the consequences of an error may be critical

The above checklist is indeed important and may prompt some readers to re-examine the criteria they have previously adopted for the identification of “users” within their organisations. It is useful to remember that under the DSE Regulations, it is only “users” that they are entitled to eye and eyesight tests at the expense of their employers!

### **When should users have an eye and eyesight test?**

Employees who are users (by their employers definition) are entitled to have an eye and eyesight test at their employer’s expense. So too are employees who are not currently users but are to become users within the same organisation.

The established wisdom on this particular part of the regulations says that newly recruited persons who are about to become users within the organisation also have an entitlement. In all three cases, the employer is only obliged to make available eye and eyesight tests to those persons falling into the above categories when they request one.

So, it is the right of the employee (existing user, existing employee who is about to become a user or new recruit who is to become a user) to ask for an eye and eyesight test, and unless and until they do so, the employer is under no obligation to make sure a test is available for them.

In the case of those who are about to become users, whether they are internal transfers or external recruits, the employer must ensure that the tests are made available to them before they become users, that is before they engage in work which, because of its frequency, duration, intensity and pace places them in the category of users. Again, this will only be the case if those employees actually request the eye and eyesight test that the law says they are entitled to.

In circumstances where a user requests an eye and eyesight test for the purpose of the DSE Regulations, the employer must respond as soon as practicable. In the event of there being an unreasonable delay, the employer would be expected to prove why it was not practicable for the test to be arranged sooner.

### **What is an appropriate eye and eyesight test?**

In Great Britain an “appropriate eye and eyesight test” means a “sight test” as defined in the Opticians Act 1989. DSE users are not obliged to have such tests performed but where they choose to exercise their entitlement, employers should offer an examination by a registered ophthalmic optician, or a registered medical practitioner with suitable qualifications.

All registered medical practitioners, including those employed in an organisation’s occupational health department, are entitled to carry out sight tests but as a rule only those with an ophthalmic qualification do so.

Section 26(2) of the Opticians Act 1989 defines testing sight as “determining whether there is any and, if so, what defect of sight and of correcting, remedying or relieving any such defect of an anatomical or physiological nature by means of an optical appliance prescribed on the basis of determination”.

The British College of optometrists has produced a statement of good practice clarifying the purpose of the eye test is determining whether the user has any defect of sight that requires correction when working with a display screen.

The test will be all the more effective if the employee describes the workplace and the exact nature of the display screen equipment work done.

### **What does the employer pay for?**

There is a legal duty placed upon employers to meet the cost of any “corrective appliances” (which usually means spectacles) that are prescribed exclusively for use on display screen work.

## Additional responsibility of employer

In addition to responding to requests by "users" and existing employees who are about to become "users", the employer has a further duty to meet the costs of any repeat tests provided by an optometrist or doctor. The frequencies of such repeat testing is left to the clinical judgement of the optometrist or doctor concerned.

Furthermore, should an existing user suffer from visual difficulties that may reasonably be attributed to display screen work the employer is in circumstances expected to meet the cost of an eye test that would be necessary to determine the nature, causation and remedy for the condition.

## What if the user is an existing spectacle wearer?

Employers are not under any obligation to pay for ordinary or "normal" spectacles that are used to aid vision on non DSE activities. If a "user" who is a normal spectacle wearer is then prescribed special corrective appliances just for DDSE work, the employer is only obliged to pay for a pair of glasses for use with display screen work.

The employer may choose to offer the employee a cash sum equivalent in circumstances where it is practicable to combine the general and specific lens requirements. A relatively small proportion of the total working population (around 10 percent) will need special corrective appliances for display screen work and this fact alone may persuade employers to draft a flexible but fair policy that will meet the fullest range of needs.

## Which optician?

The employer is free to negotiate terms of business with a particular firm or professional and thereby specify that all users' tests and corrective appliances be provided from a single source. The disadvantage of this is that it may be seen as an unnecessary restriction on the freedom of choice by the individual employees concerned.

As with so many human resource issues the employer must make a choice that will work efficiently and economically, so geographic location may be a very significant consideration when deciding upon a preferred practitioner

## Major players in the so-called Eyecare market now offer package deals to employers

Major players in the so-called Eyecare market now offer package deals to employers. Most of the offerings are based on the purchase of vouchers (by the employers) which are then exchanged in part or full payment of the services that employees receive in the form of eye tests and the provision of glasses.

This is an attractive option as it enables better, more accurate budgeting and it represents a considerable reduction in administration.

## What about eye sight tests for temporary staff?

Employers who use the services of an employment business for the provision of temporary staff have some duties in respect of training and work structure under the DSE regulations but many temporary staff are either self-employed, in which case the responsibility for eye and eyesight tests is their own, or they are employees of an agency who, as their employer, must meet the requirements of eye and eyesight testing just like every other employer.

## Eye and eyesight tests are only part of the story

The scope of this article is limited to reviewing regulation 5 of the DSE Regulations only. It must be said, however, that for the health and well being of employees to be fully protected. As these Regulations are designed to ensure, there is much more to be done. Not least of which is the thorough assessment of workstations and their related components. The daily work routine of users must be considered, with efforts to introduce breaks and/or changes of activity. Employees must be trained and provided with information about the hazards associated with DSE work and the steps that have been taken to address them to.

Finally, the information and training should properly address the actions to be taken by the users themselves in order to avoid succumbing to any of the health problems their work may otherwise expose them to.

## Getting a good return for your investment

There is no doubt that health and safety provision cost money. If provisions are implemented and managed professionally the investment made has the potential to yield some handsome dividends in terms of reduced absence (less work related ill-health) among DSE users and improved output, as employees find work activity more interesting and more comfortable.

There may be reduced insurance claims and zero expenditure on fines because of better compliance with this important piece of legislation. That very positive picture will only be achieved and maintained if the workplace is fastidiously supervised and carefully monitored.

Useful standards which cover the use of visual display units include BS7179: *Ergonomics of Design and Use of Visual Display terminals* and BS EN 29241: *Ergonomic requirements for Office Work with Visual display Terminals*. The latter supersedes BS7179 which is being withdrawn as the corresponding parts of BS EN 29241 become available.

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