

# When Home is the Office: Revisiting Occupational Safety Laws in Remote Work

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## ABSTRACT

Remote work has rapidly shifted from a temporary arrangement to a sustained employment model, reshaping how work is organised and where occupational risks arise. This development challenges traditional occupational safety and health (OSH) regulation, which has historically been designed around physical workplaces under employer control. In Malaysia, the Occupational Safety and Health Act 1994 (OSHA) establishes general duties for ensuring employee safety. However, its application to home-based work remains legally uncertain due to the absence of explicit statutory recognition of remote work environments as workplaces. This paper examines whether Malaysia's current OSH framework sufficiently protects remote workers, focusing on the regulatory gaps associated with physical hazards, ergonomic risks, psychosocial harm, enforcement limitations, and employer liability in non-employercontrolled settings. Adopting a doctrinal and comparative legal methodology, the study analyses Malaysia's legal structure alongside selected approaches from other jurisdictions, with particular reference to the United Kingdom's broader duty of care framework under the Health and Safety at Work etc. Act 1974. The analysis is further contextualised using international labour standards, including the International Labour Organization's Home Work Convention 1996 (No. 177), which articulates principles of equal protection for home-based workers, although Malaysia has not ratified the Convention. The findings indicate that Malaysia's existing regulatory architecture does not adequately reflect the realities of remote work, leaving both workers and employers without clear guidance on responsibility allocation and compliance. The paper proposes targeted legal and policy reforms, including clarifying statutory definitions, strengthening regulatory guidance on remote OSH, recognising psychosocial hazards as part of OSH protection, and establishing practical mechanisms for enforcement in home-based work arrangements.

**Keywords:** Remote work; OSH regulation; comparative law; United Kingdom; Malaysia

## INTRODUCTION

The system of the modern workplace has shifted drastically in recent years. The main reasons for the changes are primarily because of the COVID-19 pandemic and also due to the technology development, whereby the said changes are initially an attempt made by the government and businesses worldwide in order for the work to be done efficiently and effectively, while trying to stop the spread of the virus. As time passed, technology also rapidly developed as 'work from home' became the most used mode of working during the pandemic. However, the modern mode of working, which was once only introduced as a short-term solution to the current problem, has become the long-term adaptation to most sectors (Bureau Veritas, 2020). On the surface, this adaptation may seem to be facilitated in most sectors, but this adaptation has caused the lines between personal and professional life to become blurred since homes now also function as workplaces. Hence, this change has raised a legal

concern pertaining to the ability and adequacy of the existing occupational safety and health laws (Yeoh & Pua, 2022).

Occupational Safety and Health (OSH) has traditionally played a significant role, which focuses on conventional workplaces where the employers have physical control and charge over workspaces. Providing safety equipment for the employees and instituting emergency protocols are examples of the requirements that must be fulfilled by the employers in order to ensure a safe work environment in accordance with OSH. In Malaysia, this matter was governed under the Occupational Safety and Health Act 1994 (OSHA). However, when the modern mode of working evolved, the workplaces also faced change. In this context, homes which are becoming the new workplaces have caused difficulties for the employer to comply with the requirements set out in the legislation –OSH– as many of the jurisdictions, including Malaysia, are either silent or vague on the limitations of employers’ responsibilities towards domestic space.

The existence of OSHA has required employers in Malaysia to do whatever they can possibly do within their control in order to protect the workers’ health, safety and welfare at work. However, under this Act, the word “place of work” is not defined clearly as to whether the home or the house of the employees can be considered to fulfil the definition of “place of work” (Occupational Safety and Health Act 1994, 2023). Due to this unclear definition, the workplace safety legal framework is challenging to identify, judging from the realities of the modern workplace, whereby the home is the office. This legal problem does not happen only in Malaysia. However, it has become a worldwide issue, as most of the jurisdictions in other countries also either remain silent or remain vague as to whether the home of the employees qualifies to be considered a workplace under the definition of workplace under their legislation. For example, in United Kingdom jurisdiction, the Health and Safety at Work Act 1974, the employers are obligated to ensure the health and safety of their employees including those employees who work remotely but, it remains impractical because employees are freely to work at their own home in which one employee’s home would be different to another employee (Health and Safety at Work Act 1974, 2022).

The physical risks caused by the changes from the traditional workplace to the modern workplace, working from home, have been well documented. As not all employees’ homes were designated with a home office area, it is proven that a significant number of employees work at their kitchen tables, sofas, and even in their bedrooms without proper or ergonomic setups. This bad practice can lead to eye strain, musculoskeletal disorders and other long-term health issues (Bureau Veritas, 2020). During the COVID19 pandemic, scoping analysis of ergonomics among the teleworkers discovered a substantial increase in neck, wrist and back discomfort due to poorly constructed home workplaces. These risks are also weighted by the absence of supervision and inaccessibility to occupational health services for remote workers.

The psychological risks caused by changes in workplaces are also concerning. Due to the transition from traditional to modern workplaces, workers have less direct physical interaction, which causes them to experience loneliness. Workers often face difficulties distinguishing between and balancing their personal life and their working life. This unfortunate experience faced by workers may lead them to suffer more serious problems such as stress, anxiety and burnout. Safety Notes (2003) emphasise that these mental health issues must be given the same attention in any workplace safety framework as they may be as dangerous as physical dangers. However, the lack of legal infrastructure that supports mental health in remote settings caused the attempt, which was made by the employer, to address these concerns to fail.

In the worldwide scale effort of identifying and helping the vulnerability faced by remote workers to be recognised, the International Labour Organisation (ILO), through the Home Work Convention, 1996 (No.177), has called for and demanded the extension of equal rights and protections to home-based workers, which include occupational safety and health. Under this convention, it has been emphasised that home-based workers shall not be treated less favourably than those employed at employer-controlled locations (ILO, 1996). However, it must be noted that ratification and implementation of this convention have been limited, and Malaysia, along with many other countries, has yet to adopt the said convention into local law.

The International Labour Organisation (ILO) use a “tripartite” method in order to protect workers’ rights and promote positive relations among workers, employers and governments. This means that all three groups must

collaborate to establish equitable and secure working conditions. Home Work Convention 1996 (No. 177) is one of the methods used by the ILO to help internationally, whereby the said convention stipulates that workers who work from home shall receive the same protections as workers who work in the office. Few countries have adopted and implemented this convention; Malaysia has not yet ratified it. As remote employees' safety measures are frequently overlooked despite the high risk and hazards such as stress, insufficient oversight and inadequate work environment, these matters must be crucially taken into consideration. Hence, the ILO's function indicates that the government should enhance efforts in order to incorporate remote workers into workplace safety legislation.

The legal landscape is becoming complex and complicated due to the practical challenges of guaranteeing OSH compliance in distant areas. Unlike the traditional workplace, employers cannot reasonably comply with the need to inspect the employee's workplace due to privacy matters. The need to inspect the modern workplace is crucial, especially in situations where housing conditions are not conducive and may not be a safe and healthy place to be used as a workplace. According to the European Agency for Safety and Health at Work (2021), there are significant concerns regarding several issues, including consent, privacy and the balance between supervision and independence that have arisen due to the usage of surveillance technologies, which are used by employers to keep an eye on remote workers. Excessive monitoring would infringe on employees' rights and may not have a significant impact on the safety outcomes.

Furthermore, vagueness in the legal obligation has opened the door for risks of liability. For example, if the remote workers suffer an injury while working from home, employers may still be held accountable and held responsible for such injuries even if the injuries suffered occurred in an environment where they had little to almost no power or control. According to the Society for Human Resource Management (2022), employers should adapt by conducting remote risk assessments and providing training to reduce hazards and mitigate risks. However, it should be noted that the legal mechanisms available for such enforcement are usually outdated or lacking (Society for Human Resource Management, 2022).

The poor and insufficient current OSH legislation causes a significant issue since the world is facing an increase in remote work as it becomes the new modern mode of working. The fundamental issue is that these rules have not kept up with societal and technical advancements. The implementation of the said statutory requirement by the employers is often complicated and impractical due to the ambiguity of the law and logistical problems. Though the basic goals of occupational safety laws are to ensure and keep the safety of workers wherever they work, remote workers are usually left to handle their own safety, which eventually contradicts the primary purpose of the said laws.

Hence, the main objective of this article is to address the misalignment between OSH laws and their practical ability to be applied in modern workplace situations. There is an urgent need for the current law to be reviewed and amended to include specific provisions to make it more practical. This also includes a precise definition, valuable recommendations and a fair and just enforcement procedure as these are essential components to the current law. This study intended to investigate how local and international legal frameworks can develop in order to give protection to all workers regardless of their workplace.

## LITERATURE REVIEW

A comprehensive re-evaluation of occupational safety and health (OSH) has been prompted by the shift of typical work to remote places. The COVID-19 epidemic has hastened this change and revealed significant shortcomings in the existing regulatory frameworks. For example, physical, centralised workplaces were the primary focus of the Occupational Safety and Health Act 1994 (OSHA) in Malaysia (Department of Occupational Safety and Health Malaysia, 2024). Because of this, it often fails to meet the unique challenges posed by remote work environments. Notably, the Act does not define a "place of work" in a remote setting, even though it requires businesses to provide a safe workplace. A general responsibility of care is outlined in Section 15; however, it is unclear if this duty applies to employees' residences. For instance, the statute offers little guidance on the scope of an employer's liability if an employee is hurt while working from home during business hours (SAHM, 2022). This legal ambiguity makes it harder to enforce the law, reduces accountability, and emphasises how urgently legislative reform is needed.

Moreover, the fact that home-based workers are entitled to the same safeguards as those in a traditional workplace is further complicated by the International Labour Organisation's Home Work Convention 1996. Malaysia has not yet adopted and incorporated this idea into its legal framework, in contrast to countries like Italy. As a result, there are no globally applicable standards for Malaysian remote workers. Studies of comparative law provide insight into workable reform plans. For example, companies are required by the UK's Health and Safety at Work Act 1974 to guarantee workers' safety in all work environments, including their homes (Health and Safety at Work Act 1974, 2022). However, since family situations vary widely, enforcement is still a challenge. As a result, any legislation must be adaptable and flexible while preserving essential safety safeguards for remote workers.

Furthermore, concerns about one's physical and mental well-being are becoming more prominent in remote work environments. According to empirical research, there was an increase in musculoskeletal problems during the pandemic, which was frequently caused by poor ergonomics at home workstations (European Agency for Safety and Health at Work, 2023b; Viana et al., 2022). Regulations controlling home office settings are necessary since these ergonomic flaws might lead to chronic health issues. Concurrently, the absence of clear boundaries and administrative supervision exacerbates mental health risks like loneliness, stress, and exhaustion (European Agency for Safety and Health at Work, 2023b; Safety Notes, 2023). Therefore, mental health must be recognised as a crucial aspect of occupational safety in an upgraded OSH framework. Formalising support services, recognising psychological risks, and enhancing the legal interpretation of professional limits to incorporate domestic circumstances are all necessary to achieve this.

Institutions like the Society for Human Resource Management have promoted best practices like virtual risk assessments and ergonomic training modules in addition to these legal concerns (Society for Human Resource Management, 2022). However, the execution differs greatly when the formal responsibilities are not present. Systemic discrepancies arise when certain companies fully support remote work arrangements, while others leave workers on their own. Employer-funded home office equipment, online mental health resources, and frequent digital safety audits are examples of evidence-based solutions that have been suggested to overcome this gap (Schall & Chen, 2022). A standardised legislative framework would guarantee fair access and uniform protections across all sectors, even though the voluntary application of these measures is a significant first step. The risk of employer surveillance in remote work agreements also adds an additional layer of complexity. This is because monitoring technology presents severe privacy concerns, even though it can increase efficiency and accountability. Excessive surveillance requires ethical and legal protections because it might damage employee morale and trust (European Agency for Safety and Health at Work, 2023a).

Malaysia still has a limited and fragmented national regulatory framework for remote work and occupational safety and health. The Department of Occupational Safety and Health (DOSH) has not offered sufficient regulatory guidance on how this duty applies in home-based work settings, despite the general duty of care imposed by the Occupational Safety and Health Act 1994 (OSHA). This has led to inconsistent interpretation and application (Goh, 2020; Tay & Partners, 2021). A growing number of academics and professionals are advocating for context-specific legislation, such as mandatory safety checklists from the government, organised remote work training programs, and clear standards defining employers' responsibilities (Sava, 2025; Li et al., 2024; Altaher & Mohamed, 2025). The distinct combination of risks that remote workstations present, such as broken electrical equipment, poor lighting, and an increased risk of fire or trip-related injuries, is not covered by traditional workplace inspections and regulatory control (European Agency for Safety and Health at Work, 2023b; Peoplesafe, 2023). These challenges underscore the necessity of comprehensive legislative measures that can adequately address the evolving nature of employment dangers in remote settings.

Furthermore, employer liability in cases of remote work injuries is not adequately addressed by current Malaysian legislation. Because OSHA does not clearly define what constitutes a "workplace" in this context, there is insufficient statutory clarity regarding whether an employee's injury sustained while working from home during designated working hours falls under the employer's duty of care (Tay & Partners, 2021; Wahab, 2022). This legal matter highlights the urgent need for legislative change to provide uniformity and clarity in the implementation of OSH regulations in remote work settings.

In Malaysia's occupational safety and health (OSH) landscape, trade unions are a significant but underdeveloped force, especially when it comes to remote work and the cognitive demands of digital environments. Less than 2

per cent of workers are protected by collective agreements, and union density has dropped to less than 6 per cent. As a result, there is less ability to bargain for safeguards against cognitive strain brought by digital technology (Goh, 2020; HR Hub, 2024). Despite this, government support is increasing: the Trade Union Affairs Programme (PHEKS) received a record of RM10 million in 2025, up from RM5.8 million in 2024, to improve union representatives' leadership development, digital preparedness, and skill training (The Star, 2025; HRM Asia, 2025). The goal of these expenditures is to strengthen unions' capacity to represent employees in discussions about OSH regulations and workplace welfare. For example, the 2023 ILO-backed National Showcase of Industrial Harmony featured significant union involvement and recommendations to include mental health provisions in collective bargaining frameworks. Malaysia's tripartite model also offers structural avenues for union engagement (ILO, 2024). However, systemic obstacles still exist: stringent registration procedures, employer resistance, and legal exclusions for professional and managerial employees hinder union growth, especially in digitally intensive industries most vulnerable to cognitive overload (Tay & Partners, 2021).

Although an explicit "right to disconnect" law has not yet been established in Malaysia, growing appeals from national and international organisations emphasise the importance of digital boundary protections for worker well-being (World Health Organisation & ILO, 2022; HR Hub, 2024). These findings imply that expanding OSH safeguards to digitally linked workers and resolving the cognitive difficulties of contemporary remote work environments need strengthening trade unions through legislative change and inclusive labour laws.

In conclusion, there are numerous flaws in the current regulatory framework controlling occupational safety and health in remote work environments. Comprehensive definitions of occupational boundaries, defined statutory requirements for mental and physical health support, and a clear framework for establishing liability in home-based occurrences are all necessary components of Malaysian legislation. A more responsive and inclusive legal framework appropriate for the age of remote work can be built by drawing on international treaties, comparative legislation, and stakeholder participation, particularly through trade unions.

## METHODOLOGY

This study adopts a doctrinal and comparative legal research design to examine the adequacy of occupational safety and health (OSH) regulation in addressing remote work arrangements, with particular focus on Malaysia. The doctrinal method is used to identify, interpret, and evaluate the existing legal framework governing OSH obligations, including statutory provisions, subsidiary legislation, relevant governmental guidance, and associated policy instruments. In Malaysia, the primary reference point is the Occupational Safety and Health Act 1994 (OSHA), particularly the scope of the employer's general duty of care and the interpretive ambiguity surrounding the term "place of work" in relation to home-based work settings. This doctrinal analysis focuses on the extent to which the current legal text is capable of responding to emerging risks associated with remote work, including physical hazards (such as ergonomics and unsafe home work environments), psychosocial hazards (such as stress, isolation, and burnout), and uncertainties concerning employer liability and enforcement feasibility.

A comparative legal approach is employed to strengthen the analytical depth of the study by assessing how selected jurisdictions address similar regulatory challenges. The comparison is primarily structured around the United Kingdom, with reference to the Health and Safety at Work etc. The 1974 Act and its broader statutory duty require employers to ensure the health and safety of employees, including where work is conducted beyond the employer-controlled premises. This comparative element is not intended to recommend direct transplantation of foreign rules into Malaysian law, but rather to identify workable regulatory approaches and legal principles that may inform reform proposals suitable for Malaysia's institutional and socio-legal context.

In addition, the study incorporates international labour standards as an interpretive benchmark in evaluating the adequacy of domestic legal protections for remote workers. Particular reference is made to the International Labour Organization's Home Work Convention 1996 (No. 177), which articulates the principle of equal treatment for home-based workers, including in relation to OSH protections. The use of international standards in this study serves to contextualise Malaysia's regulatory position within broader international expectations and comparative policy development, while recognising limitations in domestic adoption and enforcement mechanisms.

The analysis is supported through a structured review of academic literature and authoritative institutional reports on telework and OSH, including publications from recognised international bodies and professional organisations addressing workplace safety, psychosocial risk management, and emerging legal governance issues in remote work settings. These materials are used to clarify risk categories, validate the practical realities faced by remote workers, and support legal reasoning in identifying gaps within the current framework. The findings are then synthesised into a thematic legal-gap analysis which forms the basis for proposed reforms aimed at enhancing legal clarity, expanding statutory coverage, and improving regulatory guidance for OSH compliance in remote work environments.

## FINDINGS AND DISCUSSION

One of the findings from the analysis of the Occupational Safety and Health Act 1994 (OSHA) shows that there is no statutory definition for the term “workplace”. The Act does not expressly address employees’ homes, and there are issues around the extent to which employers are required to take action to ensure the safety of the environment. The lack of a clear definition has led to varying interpretations and approaches across employers. Some go the extra mile, offering things like virtual risk assessments or ergonomic support, while others assume no responsibility beyond the traditional office setting (Bureau Veritas, 2020). The gap demonstrates the inadequacy of the approach to addressing the new work arrangements by reference to the general duty under Section 15 of OSHA.

Comparative analysis of the Health and Safety at Work Act 1974 of the United Kingdom shows the statutory duty extends in the UK to include any premises at which employees are required to work. Although enforcement in private homes could present practical difficulties, the explicit legislative endorsement of off-site work creates a more predictable foundation for employer obligations. The values enshrined in the ILO Home Work Convention No. 177 also support the requirement that legal frameworks formally recognise that work is legitimately carried out at home as part of employment. Such provision has not been introduced into the Malaysian legal system, and thus, employees in the home environment are not protected under any prescribed provisions and employers are not provided definitive guidance.

Another related issue that is brought to light through the hermeneutic interpretation of policy documents and guidelines is the lack of attention given to psychosocial risks. Although the Malaysian OSH law focuses on the prevention of physical injuries and occupational diseases, there are no directly specific duties concerning mental health risks, such as stress, fatigue, and burnout. This is particularly relevant as remote working often involves prolonged computer use, blurring the line between work and home, and an expectation of being constantly available. In contrast, in other jurisdictions, the right to disconnect and the obligation to control psychosocial risks are now considered key dimensions of health and security at work.

Such a difference is even more marked when there is a complete lack of specific reference to psychosocial risks in Malaysian OSH law, when remote workers may be subject to psychological stress due to the blurring of the division between private and work life. Being overworked, feeling isolated working from home and struggling to negotiate the blurring of lines between work and home have all contributed to increased stress, anxiety and burnout among employees. These problems are even worse for remote work, where supervision by the employer is drastically reduced, and employees find it challenging to disengage from work in their private lives.

With these emerging challenges, Malaysian workers do not have legal protection within the country’s OSH framework regarding psychosocial safety regulation. Remote employees are too often empowered, or rather, forced to make decisions on their own that are not very conducive to their physical and mental well-being, the latter of which has long-term detrimental effects on productivity and the respective future of a workforce.

By comparison, several jurisdictions have adopted national reforms to strengthen protections for remote workers, including measures addressing psychosocial risks and work–life boundaries. For instance, some European countries have implemented laws about the so-called right to disconnect, which allows workers a statutory right to step away from work-related communications beyond office hours. These factors help to counteract the burnout and emotional depletion that many encounter in remote work. Nevertheless, Malaysia has not ratified

this convention, thus lacking any legislation that binds mental health in the employment safety and health legislation for remote workers.

### **Employer Liability and Practical Difficulties in Remote Work Settings**

Ambiguity in the area of employer liability in a remote work setting is also a significant issue. In the context of an employment relationship, employers have a duty under the Occupational Safety and Health Act 1994 to provide a safe working environment. However, there is no specific legal definition in Malaysia on whether this obligation also applies to remote workplaces that are not under the control of the employer. This leads to the issue of liability. For instance, if a remote worker suffers an injury or health issue (such as musculoskeletal disorders as a result of bad ergonomics), can the employer be held responsible? In standard workplaces, it is the employers' duty to ensure the safety of the physical workplace. However, when employees are working in a personal home, it is unclear whether employers have a legal obligation to keep those spaces safe.

OSHA leaves the term "workplace" undefined when it comes to remote work settings, leaving grey areas in the law. This leaves both workers and their employers in a tough spot. Workers do not know where to go for legal remedy if injured, and employers may not realise that they have a responsibility to protect the worker if he or she is on the job but not in the company's physical space. The UK Health and Safety at Work Act 1974 provides a more coherent legal context because it covers employer liability for remote work (even if implementation is problematic). This has eased the burden for employees to obtain compensation and ensures that employers are accountable for the safety of their workers even when working from home. The lack of similar provisions in the OSH Act of Malaysia discriminates against work at remote locations by comparison with workers in other countries.

In addition, Malaysia does not currently recognise employees' right to disconnect from work outside designated working hours. In Malaysia, there was no such law or any guidelines that could be used or applied to preserve the said employees' rights. Due to the growth of technologies and the frequent use of remote workplaces, having guidelines or specific laws to protect such rights is highly demanded. Therefore, without the existence of legal safeguards, employees are exposed to overwork and digital fatigue. Not only would it cause physical harm to the employees, but it would also affect their mental health and well-being. This is because the absence of specific laws governing these matters would also cause an imbalance in work-life balance, in which there will be no boundaries that distinguish between the working life and personal life of the employees. Eventually, this would increase the risk of mental disorders among the employees.

### **Difficulties and Effects of the Usage of Surveillance Tools in Remote Work Settings**

It was also found in this study that serious privacy issues and ethical concerns were exposed to the employees, and they kept rising due to the usage of surveillance tools in remote workplaces. Based on a report made by the European Agency for Safety and Health at Work regarding surveillance and monitoring of remote workers, it was discovered that the surveillance tools used in the remote workplace are proof of the advancement of technologies and serve as one of the mechanisms to enhance the accountability and productivity of those remote employees. However, the excessive use of surveillance tools would indeed cause impacts on morale, trust and mental health of the employees. Not only that, but this use of surveillance tools also leads to a breach of privacy, as those remote employees often use their homes as their workplace. Hence, by installing these surveillance tools, it would expose their house conditions to the other party, like the employer, which is a wrong practice as it would expose their privacy, and it may lead to more serious issues such as theft, robbery or any other crime. Another catalyst that contributes to this issue is the existence of a legal gap due to the failure of DOSH to provide an adequate regulatory framework that can clarify the extent of the employer's obligations towards remote work settings. Despite the existence of OSHA, which includes a general duty of care on the part of the employer, DOSH had failed to issue clear and comprehensive guidelines on the application of OSHA in remote work. This failure hampers enforcement and causes legal uncertainty, which leads to inconsistency of application, as each person would have a different interpretation regarding such matters.

In addition, it was also found that Malaysia's trade unions have a limited influence over OSH regarding matters related to remote workplaces and digitally intensive sectors. This limited influence is due to the low membership and structural restrictions. Though the government recently had a funding initiative with the aim of revitalising

the union involvement, its capacity to negotiate protections for remote employees remains constrained. Not only that, but restrictive registration rules and legal exclusions for professionals are the barriers that contribute to the inability to join the union.

### **Challenges of Technological Infrastructure and Access to Support**

Unlike working in the office, some employees may not have access to the same IT support, equipment, or technology resources that are adequate and efficient to use while working remotely. This lack of access to resources can lead to productivity disruption, cybersecurity concerns and obviously, increase stress as the worker must rely on personal devices and a home connection, and they must work as efficiently as when they work in the office. The divide between workers who have access to these technologies and workers who do not is causing disparities in work performance. Furthermore, the lack of tech support, such as ondemand tech help or regular maintenance, leaves the workers to solve the technical problem or troubleshoot independently, contributing to further stress and burnout.

### **Impact of Remote Work on Employee Social Connectivity and Team Dynamics**

Although remote work offers flexibility, it also results in social isolation, which may cause adverse effects on the workers, especially in terms of team cohesion. The lack of physical presence in a traditional office setting would limit spontaneous interaction, such as casual conversation by the coffee machine, brainstorming or simple check-ins with others. It also limits effective collaboration and overall ability to create a strong working relationship. As a result, workers may feel disconnected, lonely and lack support, which is particularly challenging in a remote setting as supervision is very limited and less accessible. Additionally, the absence of face-to-face communication and meetings may hinder productivity and effective team collaboration, as it removes nonverbal language such as body language and facial expression, which is a very important aspect to ensure smooth two-way communication. Workers may also struggle to adapt to virtual communication, such as misinformation, delays in feedback or even misinterpretation of tone during the online discussion. When workers are in the same room, the energy may spark some spontaneous ideas and perspectives, which could lead to more creative and innovative ideas. However, since this setting is no longer available, it could lead to job dissatisfaction, decreased productivity and an increase in employee turnover as they would seek other places that provide a better working environment.

## **RECOMMENDATIONS**

Based on the findings of this study, there are a few recommendations that can help improve and solve the issues that arise. Considering the growth of remote work, it is the perfect time to have an amendment to the existing laws that Malaysia's Occupational Safety and Health Act 1994, also known as OSHA. This is because the current existing law that was designed for the traditional workplace is no longer suitable and no longer sufficient to address the challenges faced by remote employees. Therefore, in ensuring both employer and employee are adequately protected, there are a few suggestions for amendments that can be made. The first matter that shall be considered is the specific definition of "workplace", whereby the remote workplace must be included in the definition of "workplace" under the law. This is because, without a clear definition of the workplace, it would create uncertainty on the extent of responsibilities of the employees when the work is performed remotely. Hence, by amending the existing laws, it would help to align the law with modern working practices and promote a more consistent and specific legal framework.

In addition, in order to redefine the workplace boundaries, it is recommended that the International Labour Organisation's (ILO) Home Work Convention No. 177 be ratified. This is because this convention recognises that work which was carried out at home or done remotely is legal and shall receive equal protection under the labour law as what employees who work in a traditional workplace setting receive. Therefore, it is envisioned that by ratifying this convention, it would help to ensure the safeguard of the remote employees and also would ensure the equality received by both remote employees and traditional workplace employees. By ratifying this convention, it would bring Malaysia's occupational safety standards into line with international practice.



Furthermore, it is also recommended that OSHA make an amendment to expand and include the physiological aspect in the laws. This is because the current existing laws mainly focus on physical hazards and have almost not touched any of the mental health risks like stress, fatigue or burnout. Because these mental health issues are directly proportional to the remote workplace practices, it is crucial to include the psychological aspect, as the remote employees often struggle with long working hours, as there are vague and blurred work-life boundaries, causing them to have an imbalance in worklife balance. This then led them to interact less with other people, as there is limited social interaction, and this is one of the contributors to mental health issues. By introducing legal obligations for the employer to assess and manage psychological risks, it would be a safeguard to protect the employees from various mental health issues and ensure they enjoy a healthier work-life balance. Thus, it is well recommended that comprehensive and practical guidelines be introduced because, without these guidelines, it would open the door to inconsistent practices and gaps in the protection of employees.

Not only that, but employers could also implement a well-being programme for the worker to educate them on how to manage excessive screen time, maintain healthy boundaries between work and personal life, and avoid burnout. During the progression of these programmes, the employers should provide opportunities for the workers to raise any problems about their work-life, empowering them to address any physical or mental health issues. By applying these, it can transform and improve the experience of workers who are experiencing remote work.

Moreover, another step that can be taken by employers is to introduce remote work safety inspections to ensure the health and safety of employees who work from home. As traditional inspection is no longer relevant and practical for all workers, these new approaches shall be taken into consideration. Employers shall provide a digital self-work assessment tool for the workers to evaluate their work environment at home or to report any issues, such as inadequate lighting or even fire risks (Bureau Veritas, 2020). This inspection should be done regularly, and the assessment should be easy to access and must be updated regularly to reflect the latest condition of all employees. Additionally, employers could also offer remote consultation with a safety expert from relevant organisations to help with more complex issues that arise from these self-assessments. By implementing this, it shows that the employers not only expect the work to be done but also take the health issues of the worker seriously, producing a healthy work environment.

## CONCLUSION

In conclusion, this study highlighted the urgent and crucial need to amend Malaysia's occupational safety and health laws to reflect the realities faced by remote employees. This study successfully identified the key issues based on the existing legal framework while also making a comparison with the international practices in order to help illustrate areas that need to be improved for the sake of the employees. Throughout this study, there are a few issues that were identified and such recommendations have been made with the view to making the law more inclusive, practical and effective in protecting and safeguarding the rights of all employees regardless of their workplace settings. These aims to implement will not only enhance the protection and well-being of the workers but also improve legal frameworks and strengthen employer accountability in remote work.

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This manuscript was prepared with the support of artificial intelligence tools, which were used solely to assist with drafting, editing, and language refinement. All intellectual content, scholarly analysis, interpretation, and

conclusions presented in this work are the original work of the authors. The use of AI tools was transparent, supervised, and did not contribute to the generation of original research data or substantive intellectual content.

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