



Safely Navigating a Return to Work Once Shelter-in-Place Orders Are Lifted

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Agenda



What you should know and do before returning employees to the workplace



Employee Training



Employment Considerations



Q&A

First Steps

Identify a workplace coordinator

Assess workers' risk levels by conducting a "Risk Assessment"

- Conduct an industry-specific risk assessment for employees who work outside of the office

Walk through the workplace and observe the site in its usual state to find physical items that now pose risks (shared items and equipment, surfaces, workspaces, etc.)

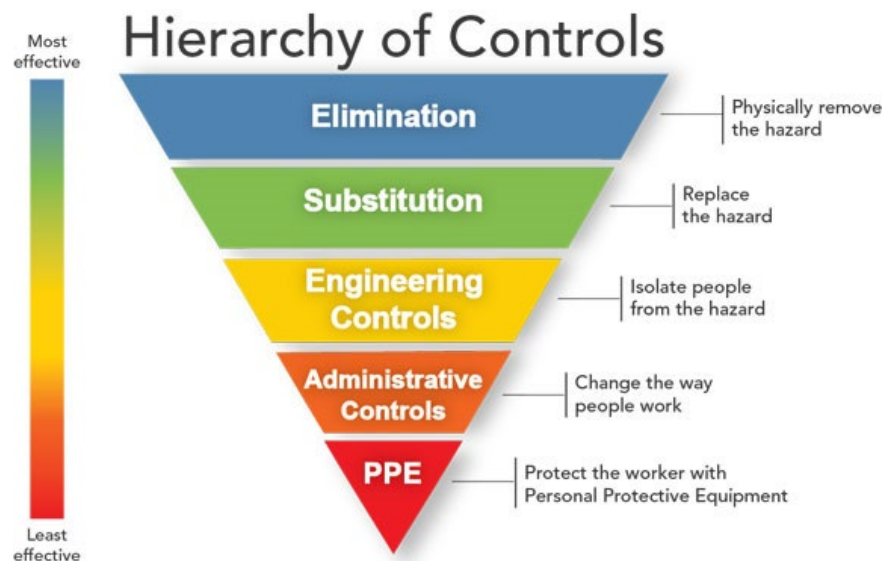
Rate hazards as Low, Medium, or High

Risk Assessment-Sample Questions

- Walk through the workplace; find items or conditions that now pose risks.
- Rate them as a low, medium, or high risk.
- Does the item or condition pose a reasonable risk of transferring COVID-19 virus? Y/N
- Can it be eliminated? Y/N
- If it cannot be eliminated, what can be done to minimize the risk? Frequent cleaning? Restricted access?
- Are we providing good peace of mind to our staff/visitors/contractors? Y/N
- Are the new cleaning products safe for our employees? Y/N
- Are the new cleaning products safe for our equipment? Y/N
- Does everyone understand the reasonable risks of COVID-19? Y/N
- Do we restrict access to the workplace to a single entry to monitor visitors and employees? Y/N
- Do we provide masks, gloves, and/or other PPE to visitors? Y/N
- Do we allow lunchrooms to be used? Y/N
- Do we place limits on the number of people in a break room? Y/N

Implement Workplace Controls

- Utilize the “hierarchy of controls” to select ways of controlling workplace hazards:
 - Elimination/Substitution
 - Engineering Controls
 - Administrative Controls
 - Safe Work Practices
 - Personal Protective Equipment



Revise Current Protocols

- Modify business operations and work practices in the post-COVID-19 environment to help discourage the transmission of contagious disease in the workplace
- Develop an Infectious Disease Preparedness and Response Plan, or evaluate your current one
- Prepare to implement basic infection prevention measures
- Develop policies and procedures for the prompt identification and isolation of sick people where appropriate

Revise Current Protocols (cont.)

Encourage	Encourage non-contact methods of greeting
Implement	Implement a Duty to Warn Procedure
Provide	Provide hand sanitizing dispensers, disposable wipes, handwashing posters at key locations
Establish	Establish a policy for social distancing
Verify	Verify ability to work and health of all new or returning personnel
Clean and disinfect	Routinely clean and disinfect all frequently touched surfaces in the workplace
Educate	Educate employees about how they can reduce the spread of COVID-19

Employee Training

Manager/Supervisor Training

- Recognizing COVID-19 symptoms
- Taking COVID-19 precautions
- Response Plans
- Responding to emerging employee/customer infection

Employee Training

- Hazard communications (cleaning and disinfecting chemicals)
- Personal protective equipment requirements and process
- Bloodborne pathogens/infection control
- COVID-19 personal precautions
- Response Plans

Reducing Employment Liability During a Pandemic

Primary concerns:

1. Provide a safe workplace
2. Respect employee privacy
3. Comply with employment laws and best practices in a rapidly changing environment

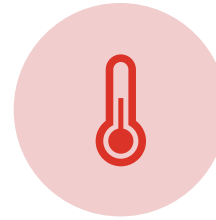
What Can Employers Do While Fighting Contagion?



NEW EEOC GUIDELINES
PROVIDE DIRECTION:



SYMPTOM
QUESTIONS/QUESTIONNAIRES
(FEVER, COUGH, CHILLS,
SHORTNESS OF BREATH, SORE
THROAT, ETC.) ARE PERMITTED



TEMPERATURE CHECKS
ARE ALLOWED



ACCURATE AND RELIABLE
VIRUS TESTING, IF
AVAILABLE, IS PERMITTED



EMPLOYEES WITH
SYMPTOMS CAN BE
REQUIRED TO STAY HOME



DOCTOR'S NOTES
CERTIFYING FITNESS TO
WORK ARE ADVISABLE



CONSISTENT PRACTICES
ARE CRITICALLY
IMPORTANT

How to Manage Individual Privacy Concerns

Keep the names of employees who have COVID -19 confidential, except to public health agencies

Notice of exposure without using names is required

Employers with temporary/leased employees may be notified of the names of infected or symptomatic workers

Maintain individual medical/testing information confidentially separate from personnel files (restricted access digital files)

Avoiding Claims of Discrimination in Hiring

- Applicants may be tested post-offer
- Start dates may be delayed and offers revoked based on COVID-19 symptoms or test results
- Candidates over 65 or pregnant cannot be disadvantaged; however, you can discuss offering telework or delayed start dates based on those factors



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Accommodating Disabilities/Medical Conditions



Employees with disabilities or medical conditions making them more vulnerable should be accommodated



Reasonable accommodations include one-way aisles, plexiglass, barriers, restructuring duties, temporary transfers, modifying schedules/shifts, remote work arrangements, as well as leaves of absence



You may discuss whether existing mental/emotional conditions exacerbated by the pandemic are disabilities and what accommodations may assist those individuals



Employees teleworking have a right to the interactive process and reasonable accommodations



Measuring “undue hardship” in light of the crisis

Resources Page

- www.pomsassoc.com
- <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-small-business.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- <https://www.eeoc.gov/coronavirus/>
- https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf

Questions?

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