

Returning to the Workplace Safely:

A Re-occupancy Roadmap

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A FEW THINGS YOU'LL NEED TO KNOW



VOLUME:

Be sure to have the volume turned up on your computer to hear the audio for this webinar.



PRESENTATION AND RECORDING:

A copy of the slides and a recording of today's webinar will be posted at www.riskandinsurance.com. We will email links to all attendees.

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RE-OCCUPANCY PROCESSES: ENVIRONMENTAL HEALTH

Disinfection and "Deep Cleaning"



Definitions



Chemicals / Procedures



Fogging / Electrostatic / Aerosol



Initial / Maintenance / Reactive



RE-OCCUPANCY PROCESSES: SAFETY

Preparing the Body and Mind



Training, work hardening,
stretching



Avoiding the future
severe claims



Emotional attentiveness,
stress, adapting to new normal



Empathy



CONTACT TRACING AND WHY IT IS CRITICAL FOR YOUR ORGANIZATION

- Process of determining who has recently been in close contact with a person infected with a virus
- Core disease control measure and an important part of a multi-pronged approach to fight the spread of COVID-19
- Trained individuals help patients recall everyone they have had close contact with during the infectious period
- Contact tracers warn these exposed individuals (contacts) of their potential exposure rapidly and sensitively
- Contact tracing helps control the spread of COVID-19
- Enables your business to resume “normal” operations without compromising the health and well-being of your employees
- It helps create a safer work environment and minimizes cost of lost productivity, healthcare, and potential workers’ compensation claims
- Americans with Disabilities Act (“ADA”)



CURRENT STATE OF THE EPL CLAIMS ENVIRONMENT AND ANTICIPATED CLAIMS

- Past few years prior to the onset of the COVID pandemic EPL claims environment benefitted from extremely low unemployment
- The Department of Labor reports that 22 million Americans have lost their jobs during the pandemic. As of September 4, 13.6 million Americans remain unemployed (8.4% unemployment)
- Job losses not evenly spread across sectors and income levels
- As employers return workers to job sites and make decisions about temporary layoffs and furloughs, they must be careful to uniformly apply their policies to all employees and avoid any type of workplace discrimination including race, national origin and age
- Whistleblower/Retaliation



FAMILIES FIRST CORONAVIRUS RESPONSE ACT AND FAIR LABOR STANDARDS ACT

- Families First Coronavirus Response Act (“FFCRA”) sets the standard for businesses with less than 500 employees
 - » Creates limited paid sick leave (up to 80 hours)
 - » Creates expanded FMLA coverage for COVID-19 childcare related reasons (10 weeks at 2/3 pay)
 - » Leave entitlement tied to daycare and school closures and can be intermittent
- These provisions remain in effect until December 31, 2020
- Fair Labor Standards Act (“FLSA”)
 - » Meal and rest breaks, especially for those who are also caring for minor children
 - » Overtime compensation
 - » Reimbursement of business expenses incurred by the employee
 - » Employee classifications status (exempt or non-exempt)



KEY TAKEAWAYS

- Remember, employees will be apprehensive returning to the workplace, have your plans in place and engage your entire organization. Human Resources, Legal, Safety.
- Most people will work through the COVID portion but do not forget your other safety practices and training.
- Think broader than your employees. Realize all your potential exposures to COVID.



KEY TAKEAWAYS

- In addition to the physical health and safety considerations, it is important to consider emotional and psychological factors
- Organizations need protocols for response and communication in the event of an infection that is well-communicated.
- Ensure that these protocols are tested no different than business continuity plans.
- This is complex and businesses may be tempted to do this themselves. While that is viable in some cases, it is better to bring in the right experts to assist. We have seen examples where things can spiral quickly and then it is too late.



KEY TAKEAWAYS

- It's worth getting advice from trusted local employment counsel on disability accommodation and leave request issues.
- Sometimes it's not enough to meet legal obligations. Employers who want to retain talent should follow the Golden Rule.



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