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COVID-19 Returning to Work Prep Guide

As state governments begin to ease shelter-in-place and business closure orders in the wake of the COVID-19 outbreak, employers face the daunting task of reopening their physical workplaces. Regardless of whether employees are returning to corporate spaces, manufacturing complexes, industrial factories or other commercial settings, employers need a workable, detailed re-entry plan in order to protect workers from unintended harm and minimize further disruption to business operations.

Faced with the demands of the moment, employers may be tempted to forego comprehensive planning. However, haphazard handling of the reopening process can have serious risk and liability consequences, including worker injury and exposure due to substandard safety protocols, fines and penalties for regulatory noncompliance, and employment-related legal challenges.

This CNA resource presents strategies to help employers navigate the re-entry landscape, including critical first steps in the planning process and initiatives to ensure that workplace re-entry plans comply with essential safety and exposure control mandates. By taking time to prepare and plan for sound re-entry provisions, employers minimize chaos, foster trust in the workplace and fulfill their responsibility to safeguard employees.

Getting Started

Successful transition to a post-pandemic workplace depends upon organizational readiness for change, risk identification and mitigation, regulatory compliance and effective communication. The following preparatory measures, among others, are essential to achieving impactful change in the workplace:

Appoint a return-to-work committee.
The first step in addressing the realities of a new work environment is to initiate a dialogue among individuals who bring a range of experience and expertise to the reopening process. Assemble a steering committee comprised of key stakeholders, including managers, workforce representatives, human resources professionals, occupational safety advisors, security personnel and environmental health experts, among others. In addition, appoint a committee chairperson who is responsible for overseeing the workplace re-entry period, as this can mean the difference between a failed re-entry plan and one that produces immediate and effective change. Together with committee members, the chair will facilitate a workplace risk assessment, draft a re-entry plan, and serve as a highly visible contact for employees regarding policy and procedure directives.

Identify workplace risks and hazards.

A workplace risk assessment allows employers to understand their vulnerabilities, implement measures for a safe work environment and enhance their legal position in the event of liability claims. An assessment should encompass all work locations and shifts, and include the following areas of focus, at a minimum:

- Business practices and critical operations
- Business continuity plans
- Potential points and methods of COVID-19 exposure for returning workers
- Shared workspaces, flexible work sites and hours
- Work travel and meeting options
- Employee/visitor access controls
- Risks relating to on-site vendors and contractors
- Employee education and training capabilities
- Cross-training needs in the event of absenteeism
- Environmental cleaning and disinfection practices
- Respiratory etiquette and hand hygiene protocols
- Personal protective equipment (PPE) needs and supplies
- Alternate supply chains for critical goods and provisions to identify and isolate employees with fever and symptoms of COVID-19
- Services and delivery options
- Sick leave policy and absenteeism management
- Methods for monitoring public health information and reporting communicable diseases
- Confidentiality provisions for employee health information

To help employers assess the potential for workplace exposure in a comprehensive manner, a checklist from the National Institute of Environmental Health Sciences is available here.

Centralize compliance oversight.

The COVID-19 pandemic has been characterized by rapidly changing compliance requirements. To remain a step ahead of medical advancements and the reflexive response by federal, state and local authorities, employers must frequently monitor compliance directives in the re-entry period. By centralizing the compliance oversight function in a single person or department, employers are more likely to produce a comprehensive history of compliance mandates and activities during critical site surveys, as well as a thorough record of important implementation and revision dates.

Develop a communications plan.

An organized and transparent approach for conveying workplace directives is essential for building trust in the workplace. A written communication plan should encompass re-entry objectives and management expectations, utilizing various modes of conveyance, including the following:

- *Dedicated pages and chat rooms on organizational websites,* designed to foster two-way lines of communication between management and the workforce
- *Virtual roundtable discussions,* intended to promote workplace transparency regarding employee responsibilities, performance goals and compliance issues
- *Employee hotlines,* established to relay urgent updates and safety messages
- *Appointment of "change champions,"* selected to advise and instruct employees on the safe use of workspaces
- *Signage, pamphlets and alert bulletins*, posted and circulated to reiterate social distancing protocols and housekeeping measures, among other safety initiatives
- *Change communication documents*, including Question & Answer postings and stay-safe etiquette guides

Key Re-Entry Plan Initiatives

Businesses and industries that lack a formal re-entry and exposure control plan are at a disadvantage in the areas of regulatory compliance and legal defense. Employers are free to customize a written plan to fit their individual circumstances – considering operational requirements, facility locations and workforce capacity – but most contain these key initiatives:

Sanitize and clean the workplace.

Maintaining a clean, safe and healthy work environment is essential to keeping COVID-19 exposures at bay and reassuring apprehensive employees as they return. Using EPA-registered disinfectants, perform an initial preventative decontamination of workspaces, including all high-touch surfaces, such as desks, tables, chairs, door knobs, light switches, handles and toilets. Also clean and disinfect shared equipment, such as phones, pens, keyboards, touchscreens and remote controls. A list of disinfectants for use against the COVID-19 virus is available from the Environmental Protection Agency.

To further mitigate exposure, determine a workable schedule for ongoing environmental cleaning and disinfection, especially of highly trafficked areas and services. Consult the federal Occupational Safety and Health Administration (OSHA) for guidelines relating to preparing workplaces and the Centers for Disease Control and Prevention (CDC) Businesses and Workplaces: Plan, Prepare, and Respond, as well as requirements of state and local health departments. Lastly, cases of confirmed on-site exposure prompt immediate decontamination of potentially contaminated areas, as set out in a written procedure.

Modify workspaces for social distancing.

Drafted protocols that establish social distancing requirements will continue to play a central role in disease prevention, including limited office gatherings and a minimum of six feet separation from coworkers. The following environmental modifications can further aid in safeguarding employees:

- Limit points of entry, and use covered egress and ingress portals for buildings and other structures.
- Remove chairs and computer monitors from unused workstations.
- Revise seating and workstations in common areas, reception rooms and workspaces.
- Apply floor markings or other visuals to establish one-way directional traffic and movement patterns.
- Install transparent shields and other physical barriers between workstations, in reception areas and on assembly lines.
- Revise seating arrangements in conference rooms to comply with the 10-person maximum gathering rule.

Draft an exposure control plan.

To reduce work-related exposures to COVID-19, OSHA recommends development of an infectious disease preparedness and response plan. As part of a plan, develop measures to promptly isolate employees who report illness during work hours. This includes a designated area where workers can receive medical support. Strictly enforce an employee's home isolation – the CDC currently recommends a 14-day duration – as part of the exposure protocol. In addition, implement contact tracing protocols to identify potentially exposed employees, and follow legal requirements on reporting occupational disease to local, county and state health departments.

Implement essential safety protocols.

Once workplace hazards have been spatially mitigated and potential exposure points identified, both business and employee risks must be addressed. Be sure to document all measures taken, as these records may be critical to limiting employer exposure to potentially costly lawsuits. A sound preventative approach begins with the implementation of basic safety protocols, including the following:

- *Ample signage of social distancing requirements,* as well as respiratory etiquette and face mask expectations, in languages consistent with the workplace and community
- *Access control systems* that monitor who will be permitted into a building, facility, campus or other setting, along with health screening protocols
- *Maximum occupancy limits* and an enforceable procedure to ensure compliance with social distancing requirements
- *Staggered shifts and break times* to reduce the number of employees in one location
- *Mandatory hand washing directives,* using soap and/or alcohol-based sanitizers that are available at entrances, exits and in restroom facilities

- *Protocols for wearing cloth face coverings*, as well as indications and parameters for the use of other PPE in the workplace environment
- *Respirator-related requirements* that comply with OSHA mandates, including medical clearance to work, respirator selection and fit testing, if applicable
- *Physical controls to prevent congestion* in elevators, stairways, restrooms, meeting rooms and cafeterias, along with centralized trash and recycling receptacles
- *Discontinued self-service food bars or communal areas* that contain coffee makers, water coolers and unpackaged food items
- *A ban on shared work items,* such as headsets, keyboards/mouse controls, and other objects that come in frequent contact with hands, or are used near the eyes, nose or mouth
- *Removal of personal items from work stations,* as well as magazines and pens from reception areas

Address the safety needs of employees in higher-risk settings.

Special guidance is required for employees who work in environments that are residential, located off-site or heavily traveled by consumers, such as banking and retail operations. The threat of exposure can be substantially higher for these workers than that of employees in a contained work environment.

The following interventions help ensure that this category of high-risk workers receives the protection they require:

- *Advise employees to minimize contact with high-touch surfaces,* such as key entry pads, credit card readers, door knobs, light switches and faucets, and restroom surfaces.
- *Adopt paperless payment systems,* and instruct customers to use their own pen if a signature is required, or have a designated receptacle for pens that require sanitizing after customer use.
- *Place plastic barriers around credit card readers* and require customers to personally swipe their card or enter a code. Disinfect key entry or touchpad surfaces regularly.
- *Erect plexiglass barriers where employees are in close proximity to customers,* or if they are expected to converse with them.
- *Provide an ample supply of PPE,* including face coverings, gloves, shoe covers, and hand and surface sanitizers, as well as additional disposable barriers for floors and work areas.
- *Reinforce the importance of hand hygiene* and the use of sanitizer before and after customer contact.
- *Establish a disinfection/cleaning routine for off-site environments,* including work surfaces, tools and equipment, and service uniforms. Also adopt strict trash and waste removal specifications.
- *Refrain from using customer restrooms,* and decline to accept any beverage or food offering.

- *Allow additional time for service calls to ensure precautions are complied with,* and inform customers of all measures being taken to protect them and the employee.
- *Ban nonessential employee travel* or limit travel to certain destinations and regions. When authorizing travel, adhere to published safety guidelines such as the CDC Considerations for Travelers—Coronavirus in the US.

Plan ahead for PPE supply demands.

In order to prevent problematic shortages of protective supplies and equipment during the transition period, determine existing inventory and projected needs based upon workplace assessment, which may include gloves, disposable facemasks, full-face shields, N95 respirators, hand hygiene supplies, facial tissues, impermeable coveralls, and waterproof shoe and boot covers, among other items. Whenever possible, purchase PPE that is prepackaged in individual kits, and refrain from making protective gear or manipulating equipment in a way that is not recommended by the manufacturer.

When selecting vendors, consider the lead time necessary for ordering and delivering PPE, as well as whether it is procured from a local or foreign manufacturer, as the latter can present additional risks for product delay and contamination. In the event the same types of items are purchased from different vendors, ensure they are similar in make, design and quality, in order to enhance consistency of use and minimize the risk of viral transmission.

Adopt engineering controls.

An effective re-entry program encompasses the use of engineering controls, such as improved air filtration and ventilation systems that foster respiratory health by minimizing employee exposure to toxins. See Guidance for Building Operations During the COVID-19 Pandemic from the American Society of Heating, Refrigerating and Air-Conditioning.

In addition, a combination of the following engineering controls, along with others, can help curb liability, heighten compliance levels and contribute to a workforce peace of mind:

- Place credit card readers a safe distance from cashiers.
- Offer remote shopping arrangements, including online ordering, home delivery and curbside pickup.
- Repurpose existing partitions in the work space to serve as barrier shields.
- Rearrange furnishings to promote six feet of separation.

Draft employee recall plans.

Re-entry of employees will vary by setting depending upon risk factors, lines of business and operational capacities. For some employers, a tiered phase-in plan may initiate with critical staff members who report no COVID-19 symptoms, as well as those who cannot work remotely. This approach may require physician health engagement on-site health screening and/or employee temperature checks before workers are permitted to return.

Regardless of the scope of a recall, re-entry can be a time of great stress for workers, potentially leading to high levels of employee absenteeism, abuse of work-flexibility options and other performance-related deficits. Job performance objectives must be consistent with employee well-being and convey a top-down commitment to emerging from the crisis as a team. During the critical re-entry period, provide employee assistance programs, ranging from simple one-on-one interactions to structured support groups. These offerings not only stabilize the workforce in the short term, but also contribute to future gains in the areas of employee satisfaction, engagement, productivity and retention.

Remain cognizant of employment law compliance standards.

As workers return, employers are obligated to extend employment protections guaranteed under federal, state and local laws. Failure to do so may result in unwanted legal challenges, including the following:

Discrimination. Do not base decisions regarding returning employees to the workplace on protected characteristics such as an employee's age, disability, gender, race and/or religion, or any other class protected against discrimination under federal, state or local law. Employers may not exclude an employee from returning to work, or take any other adverse action, solely because a worker may be in a category identified by the CDC to be at a higher risk for serious complications from COVID-19, such as older workers or those with certain underlying medical conditions. All employment decisions, including re-entry decisions, should be based upon legitimate, non-discriminatory business reasons and should be documented. Employers should conduct a disparate impact analysis to ensure that the manner in which employees are recalled does not have a disparate impact on a protected class. Consult with experienced employment counsel to ensure compliance with anti-discrimination laws.

Employees may be subject to COVID-19-related discrimination and/or harassment because of their national origin, race, or membership in other protected classes. To mitigate this risk, offer training sessions for managers and employees that reinforce the employer's commitment to a respectful workplace, free of discrimination and harassment. Attendance at all training sessions needs to be documented.

Failure to accommodate. Employers may encounter a higher number of job accommodation requests – for both physical and mental disabilities – in the COVID-19 transition period. If an employee requests an accommodation, an employer must engage in an interactive process to determine if a reasonable accommodation exists, barring undue hardship, which will permit the employee to perform the essential functions of his or her position. Accommodations may include mobile computing arrangements, temporary job transfers, job restructuring and flexible work hours.

Whistleblower and retaliation claims. Employees may assert complaints regarding health and safety or complaints asserting retaliation, such as for testing positive for COVID-19 or for requesting disability-related accommodations or leave. In written policy, strictly prohibit retaliation against employees who raise concerns regarding working conditions or for exercising their rights under other laws, such as the ADA and leave laws. Appoint COVID-19 coordinators in the workplace to serve as liaisons between the workforce and management, in an effort to defuse conflicts and disagreements.

Breach of privacy. Disclosure of information regarding employees who have tested positive for COVID-19, or other identifiable medical data, may violate federal, state and/or local privacy and/or disability laws. Even routine tasks, such as checking employees' temperatures or screening for health conditions, can trigger privacy and recordkeeping requirements, especially as they relate to occupational disease exposure and access to medical records. All medical information, if retained, should be maintained in a confidential medical file, separate from the employee's personnel file. Consult legal counsel to ensure adequate safeguards are in place to protect the privacy and confidentiality of workers.

Train employees on COVID-19 precautions and requirements.
Training should include all categories of employees and encompass different workplaces and facility locations. Training sessions should include the basics of COVID-19 exposure and describe the following:

- *Public health and safety protocols,* as well as control measures such as hand hygiene and respiratory etiquette

- *Common modes of transmission* between employees in the work environment

- *Essential cleaning and disinfection expectations,* including information on product contact time and safe work practices to prevent chemical exposures

- *Mechanisms for self-reporting potential exposure to COVID-19 or suspected symptoms,* such as fever, coughing, shortness of breath, loss of smell and taste, or gastrointestinal ailments

- *Required personal protective equipment use,* and instructions on donning, doffing and disposing of contaminated equipment and respirators

- *Process for filing employee complaints, suggestions or concerns* about the safety of the work environment, among other issues

- *Employee assistance programs* for concerns regarding psychological well-being and/or access to mental health benefits
- *Sick leave policies and return-to-work protocols* for employees who test positive and/or have recovered from COVID-19 illnesses

Document the initial training of all employees, including names of attendees and the dates of the training, as well as annual refreshers.

Employers face unprecedented complexities as they begin to recall employees in the wake of the COVID-19 outbreak. In order to establish a safe work environment and ensure business continuity, employers must implement a re-entry plan that is tailored to individual needs, yet responsive to regulatory demands and infection control mandates. The guidance provided in this risk management advisory can help employers plan a coordinated and deliberate response to employee recall, thereby potentially reducing exposure to worker injury claims, employment-related challenges and disruption in business operations.

Resource Links

Back to Work Safely™, a website of the American Industrial Hygiene Association.

Coronavirus and COVID-19, from the U.S. Equal Employment Opportunity Commission.

Coronavirus (COVID-19), from the Centers for Disease Control and Prevention.

COVID-19, from the Occupational Safety and Health Administration.

Safe Actions for Employee Returns: Playbooks, from the National Safety Council.

Risk Control Guides from CNA

Ergonomic Tips for Working Remotely

Hygiene Controls in the Workplace

Re-entering the Workplace after a Shutdown: Guidance for Employers

Reopening the Workplace: Employment Law Considerations

For more information, visit cna.com.

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