Returning to the Workplace

A Guide for Employers

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BXS Insurance is Right Where You Are during these challenging times.

For the past several weeks, many employees have been working remotely as employers navigated unprecedented challenges related to the COVID-19 pandemic. As federal, state and local governments begin to create their own frameworks to gradually ease restrictions, employers should take steps now to prepare for reopening their physical workplaces and returning employees to work in offices and other facilities when it is appropriate to do so.

While businesses are reopening, it is not business as usual. To keep employees and customers safe, and minimize potential liabilities, employers must carefully navigate next steps. While plans will vary from business to business, the following pages outline some key tasks and considerations employers should consider as they plan their return to the workplace.

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Developing Your Plan

A carefully considered plan may help reduce some of the risks associated with reopening. It is critical to design a return-to-work plan that is flexible since the plan will need to evolve based on recommendations, guidelines and orders issued by federal, state and local governments.

In developing your plan, you should:

- Form a multi-disciplinary return to work planning team that will be responsible for developing, implementing and monitoring the return-to-work plan.
- Familiarize yourself with federal, state and local requirements and adopt reasonable measures consistent with your industry's standards of operation.
- Involve key suppliers, vendors and customers. Their procedures may have also changed.
- Expect malicious actors, specifically hackers and other cyber risks, to take advantage of uncertainty and emotions.
  - Review cybersecurity safeguards and review policies and procedures with returning employees.
  - Consider updating computer systems and virus protection software if these have been left idle.
  - Consider employees working from home who may be using their personal devices to access your systems.
- Discuss your situation and your plan with your insurance broker and review current coverages.

Where Do I Start?

One of the first places you may want to consider starting is with a checklist. ThinkHR, one of BXSI's strategic partners, offers a sample checklist as a free resource via the ThinkHR COVID-19 Crisis Response Center.

At this point in the planning process, determining when to return and who should return are two areas to consider.

Specifics to consider include:

- Local, state and national guidelines on return-to-the-workplace phases
- Industry implications and industry-specific timelines
- Employees who may be able to accomplish their work remotely versus those who must be on-site to perform their roles
- Furloughed employees

STATE & LOCAL PLANS

While federal agencies issue guidelines, governors and mayors ultimately determine local reopening strategies for their jurisdictions, and these vary significantly across the country. Business owners should refer frequently to their state and local health departments and Emergency Management Agencies to determine locally specific regulations and guidelines. The U.S. Chamber of Commerce maintains a very convenient summary of state plans here. If your business operates in multiple jurisdictions, make sure to examine all of the applicable laws and guidelines. Organizations may consider appointing someone to stay abreast of the rapidly changing developments and advise organizational leaders as needed.

When to Return: A Phased Approach

The Opening Up America Again guidelines from the White House suggest that businesses in almost every industry should be opened in phases depending on their ability to adhere to guidelines aimed at limiting the potential for transmission of COVID-19 between employees and customers.

The Opening Up America Again guidance includes broad "gating criteria" for states to follow as they begin reopening while leaving the specific plans to the governors of each state.

Three-Phase Approach for Employers

The guidelines are aimed at easing restrictions in areas with low transmission of the coronavirus while holding the line in harder-hit locations. They make clear that the return to normalcy may be a longer process than initially envisioned, with federal officials warning that some social distancing measures may need to remain in place through the end of the year to prevent a new outbreak. And they largely reinforce plans already in the works by governors, who have primary responsibility for public health in their states.

Phase 1	Phase 2	Phase 3
Is achieved after 14 days of improvement.	**Is achieved after 14 days of continued improvement after achieving Phase 1.**	**Is achieved after 14 days of continued improvement after achieving Phase 2.**
• Continue to encourage telework whenever possible and feasible with business operations. • If possible, return to work in phases. • Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols. • Minimize non-essential travel and adhere to CDC guidelines regarding isolation following travel. • Strongly consider special accommodations for personnel who are members of a vulnerable population.	• Continue to encourage telework, whenever possible and feasible with business operations. • Close common areas where personnel are likely to congregate and interact, or enforce moderate social distancing protocols. • Strongly consider special accommodations for personnel who are members of a vulnerable population.	• Resume unrestricted staffing of worksites.

Who to Return

OSHA's Guidance on Preparing Workplaces for COVID-19 provides an overview and method for classifying jobs based on risk and some universal precautions. OSHA has published an Occupational Risk Pyramid for COVID-19 to help employers understand the risk exposure levels as part of the decision-making process for who to return.

Some industries are not able to operate at all without onsite employees, while other industries are able to perform some or all work remotely. As part of a phased approach, it is recommended that employees who are able to work remotely do so to reduce the number of people located together onsite.

Phased Return

As you begin planning who should return, consider:

- **Surveying your employees** to understand their concerns, comfort level and challenges, such as child care, etc. If you create a survey, you may want to consult with an attorney if you are planning to ask for any information regarding medical conditions, including mental health considerations.

- **Returning in phases.** Options include:
  - Staggering shifts so not all employees are onsite at the same time.
  - Opening the workplace in waves; for example, bring 20% of employees back at a time and space out the next "wave" by 2 or more weeks. Keep in mind that you'll want to factor in industry considerations along with local, state and federal guidelines.
  - Having set "office open" days and set "office closed" days.

Remote Work

Some employers may choose to continue remote work situations for some or all employees.

Considerations may include implementing:

- Remote work policy
- Telecommuting checklist
- Telecommuting agreement

- Acknowledgment of receipt of company-issued property
- Ergonomic considerations for remote workers is another point for consideration.

Who to Return

Recalling Employees from Furlough

Making the decision to furlough employees is difficult to make, and bringing employees back into the workplace comes with additional considerations, including:

- Who to recall from furlough or layoff
- Eligibility for employer-sponsored group health plans

- Once you make the decision to recall:
  - General considerations
  - Sample offer letter

You will want to familiarize your team with the relevant guidelines from the CDC, OSHA and other national and state authorities. Be aware that these standards and guidelines tend to be broad and do not necessarily address some of the specific issues in your industry.

Employers should consider adopting infection control strategies based on a thorough hazard assessment, using appropriate combinations of engineering and administrative controls, safe work practices, and personal protective equipment (PPE) to prevent worker exposures.

Some OSHA standards that apply to prevent occupational exposure to SARS-CoV-2 also require employers to train workers on elements of infection prevention, including PPE.

Some initial considerations that are generally applicable to most businesses include:

- Creating or revisiting workplace health safety protocols;

- Establishing social distancing procedures for workers and customers. These can include limiting the number of people in a store (many states have mandatory guidelines for this), implementing one-way aisles, and spacing out employees at least six feet apart;

- Making hand sanitizer readily available to employees and customers;

- Requiring PPE appropriate to the workplace;

- Addressing accommodations for high-risk employees;

- Offering more shifts with fewer workers or other staffing changes to limit interpersonal contact;

- Regularly sanitizing the workplace, including frequent cleaning of commonly touched areas;

- Reviewing shipping and receiving operations to make them as contact-free and safe as possible;

- Closing or restricting break rooms and other common areas;

- Discussing responsibilities for common areas with your landlord—this should be clear and in writing.

How to Return: Employee Safety and the Workplace

Industry-Specific Guidance

Challenges and considerations will also vary by industry, and OSHA provides guidance for specific industries on its website. OSHA's COVID-19 site is frequently updated with guidance for specific industries and general considerations for employers to consider. Other reliable sources continue to evolve as business leaders and public health officials learn and plan. Remember to check with your local, state and national trade associations for industry-specific guidance and best practices.

Many industry, trade and professional associations have developed COVID-specific guidance for their membership, including, but certainly not limited to:

- International Association of Plumbing and Mechanical Officials
- National Association of Landscape Professionals
- American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE)
- Association for Early Learning Leaders
- Building Owners & Managers Association International (BOMA)
- American Barber Association

- Professional Beauty Association
- National Restaurant Association
- Retail Leaders Industry Association
- American Gaming Association
- American Manufacturing Association

Preparing for the Return

The Workplace

Providing a safe environment for employees to return to is a concern for any employer.

To help you prepare for the return of employees, you may want to review:

- Guidance on Cleaning and Disinfecting Your Facility and Workplace Cleaning for COVID-19
- Return to Work Postings and Policies
- A brief video on Keeping the Workplace Safe
- Health and Safety Best Practices
- Face Covering Considerations

The Workforce: Communication with Employees

Maintaining open, proactive communication can help facilitate a smoother transition for both employers and employees. BXS Insurance's recent webinar, The Emotional & Cultural Implications of Returning to Work, can serve as a good place to start when considering the impact a return to the workplace may have on employees. A good rule of thumb is to communicate early and often.
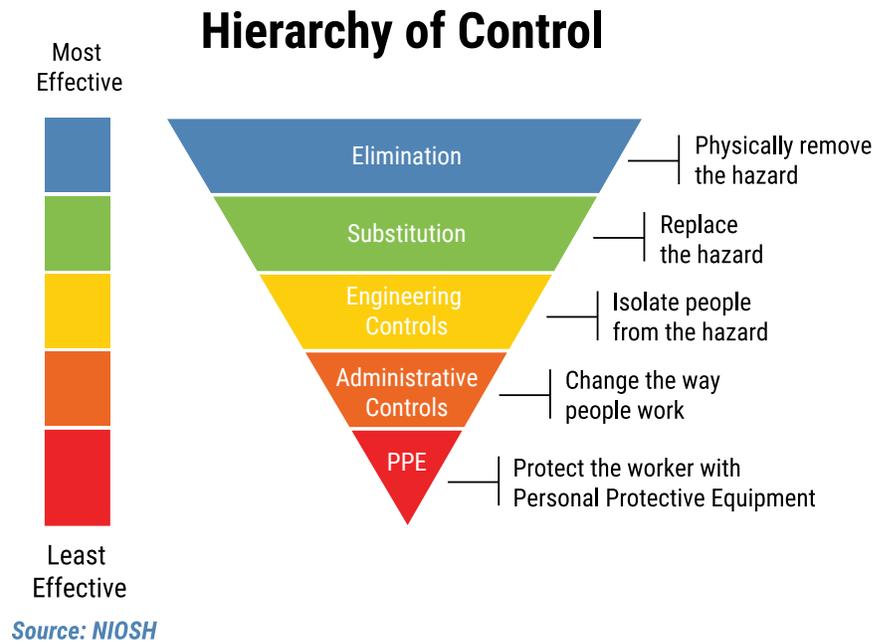
Some other suggestions include:

1	Be transparent and open about what is going on. Adjustments will likely need to be made.
2	Conduct training courses regarding the new office environment so employees are aware and comfortable with the changes.
3	Keep in mind that after government and health officials, employers are the most trusted source to handle and effectively respond to the coronavirus outbreak. Your employees are looking to their employers to lead them through!
4	Determine whether email or video updates are most useful for your work culture. Keep your work culture in mind as you craft your communication. Being transparent and showing "real life" (e.g., working from the kitchen table or working with dependents at home) are ways to open up lines of communication and build trust and engagement.
5	Consider providing mental health resources to your employees, including Employee Assistance Programs, if you have one in place.
6	Ensure that employees have respect for colleagues' varying levels of tolerance around the new work guidelines.

Business Travel

Many organizations depend on employees who must travel. The origin point and destination point and recovery phases should be considered prior to travel. Check with state or local authorities where you are, along your route, and at your planned destination to learn about local circumstances and any restrictions that may be in place. The Centers for Disease Control (CDC) provides a [Travelers Information Page with Travel Recommendations](#).

Creating Your Plan: Keeping It Organized

Occupational Safety & Health Professionals use a "Hierarchy of Controls" framework to evaluate and implement solutions for workplace safety hazards. This system helps with prioritizing countermeasures and creates a multi-layered approach to identified hazards.

Hierarchy of Control

Most Effective

Least Effective

Level	Description
Elimination	Physically remove the hazard
Substitution	Replace the hazard
Engineering Controls	Isolate people from the hazard
Administrative Controls	Change the way people work
PPE	Protect the worker with Personal Protective Equipment

Source: NIOSH

Below is an example of one organization's approach. Unfortunately, the two most reliable options, eliminate or substitute, are not available now.

1	Eliminate	• Eradicate the disease by means of effective vaccination
2	Substitute a less hazardous alternative	• Reduce symptom duration and severity by means of effective pharmaceuticals and treatment protocols
3	Engineering controls	• Separate workspaces as possible • High-efficiency HVAC filters changed frequently • Ensure no workspace is near a return air duct • No-touch garbage cans near entrances/exits • Touch-free technology when possible (lights, toilets, vending machines, etc.) • Increase outside air exchange rates where possible • Plexiglass guards at receptionists' stations
4	Administrative controls	• Follow local jurisdiction recommendations and restrictions • Work from home if possible • Staggered schedule – rotate days/shifts to minimize office occupancy load • Limit number in break rooms and conference rooms • Daily disinfection by custodians using EPA approved methods • Appointments for clients & vendors • Centralize printing & administrative functions • Sanitizer station at entrances • Back-ups for key positions • Sanitize delivered packages before opening

5	Personal Protective Equipment	• Wear masks as appropriate for the setting • Use gloves when operating commonly used equipment
6	Training	• Awareness & information posters • PPE training • Know the signs and symptoms of COVID-19
7	Behavior	• Distancing • Handwashing • Disinfect after yourself • Small group gatherings if essential • Self-check temperature prior to coming to work • Maintain contact log with locations, names & dates • Stay home if a family member shows COVID-19 symptoms • Use an item to push elevator and other common-use buttons • Avoid crowded elevators

Appendix: Additional Resources

Additional Resources

- The Centers for Disease Control (CDC) is an excellent starting point to become familiar with general concepts and information.
- The CDC Business and Workplace page offers specific guidance regarding reopening considerations. This site is where the decision-trees released on May 15, 2020, can be found.

- The National Safety Council created a partnership with Fortune 500 companies, leading safety organizations and public health officials to create SAFER: Safe Actions for Employee Returns.

The SAFER framework:

- Identifies complexities in re-engaging the workforce, including contractors, by partnering with human resources, legal, labor, healthcare and workers' compensation providers
- Develops general and sector-specific playbooks to help America's businesses align worker safety with business objectives

Download the 25-page document here.

- APIC, the Association for Professionals in Infection Control and Epidemiology, created the COVID-19 resource page links to technical journal articles and downloadable training aids including posters for proper glove, face mask and respirator use.

- Many employees returning to work have never had to consider wearing a face mask or respirator. OSHA's Respiratory Protection standard requires training for employees who wear them. To support compliance, OSHA released a 7-step process to correctly wear a respirator. You may want to consider requiring returning employees to watch the video and include documentation in your training records.

- The National Institute of Environmental Health Sciences is a part of the National Institutes of Health, which is, in turn, a part of the United States Department of Health and Human Services (DHHS). The NIEHS developed an 11-page checklist as a tool to help employers and employees in non-healthcare facilities assess workplace exposure, and identify prevention and control measures for the virus that causes COVID-19 disease. The checklist uses a yes/no format and may be modified by users to make it more site- and industry-specific. Download the Workplace Checklist for Prevention of Exposure to SARS-CoV-2 Virus in Non-Healthcare Industries here.

- The National Institute of Environmental Health Sciences has also developed several training programs for returning employees in both English and Spanish, including Protecting Yourself from COVID-19 in the Workplace and The Essential and Returning Workers Training Tool.

- The American Industrial Hygiene Association develops best practices and provides information and resources to Industrial Hygienists and Occupational Safety & Health Professionals. The Association works closely with regulatory authorities such as OSHA and with trade organizations to reduce sources of environmental stresses that can lead to injury and illness. It has made several "Returning to work" guides available for download via the OSHA COVID-19 additional resources page located here or from a newly-created website.

Current industry-specific guidelines included:

- General Office Settings
- Construction
- Retail
- Banks, Notaries & Title Companies
- At-Home Service Providers
- Childcare Centers
- Hair and Nail Salons
- Bar Industry
- Restaurants
- Worship Services and Religious Gatherings
- Small and Medium Sports and Entertainment Venues
- Small Manufacturing, Repair and Maintenance Shops
- Rideshare, Taxi, Limo and Other Drivers-for-Hire

BXS Insurance is Right Where You Are during these challenging times. We are actively monitoring the COVID-19 landscape and sharing information to help you navigate the next steps. We're here with you, helping to advocate and provide guidance so you can be there for what matters most.

Get answers to the most common questions for your business by reviewing our Employee Benefits Updates and visit our website frequently for additional guidelines that are released following the publication of this resource. If you have questions or need assistance, please contact your BXS Insurance representative by email or call 855-377-1529.

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