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Highlights

Return to Work after Covid-19 – Checklist from HR | Aparna Sharma | Senior HR Professional & Certified Corporate Director I Editor's Collection

As employers attempt to return to workplaces in the midst of & after the COVID-19 pandemic, there are a number of considerations they must be mindful of. Indeed, among other things, employers must be sure to establish a COVID-19 response plan, refine their communications and policies, examine travel policies, and ensure compliance with various central & state laws.

Below is a checklist of issues employers should be mindful of & HR has a critical role to play in this.

1. Stay Informed

   ● Continue to monitor the Central & State announcements with respect to change in legislations & for insights relative to navigating COVID-19 issues for employers.

   ● Learn of COVID-19 plans in the community where your business operates. Local conditions may have a significant impact on your business operations.

● Continue to stay informed relative to school and public transportation disruptions, which may affect business operations.

2. **Create and Implement a Response and Communication Plan**

● Identify a team of individuals and a point of contact for the response plan. Be sure to involve key decision-makers and managers.

● Ensure flexibility—be ready to modify or amend business practices as needed.

● Where possible, prioritize customers, identify alternative suppliers, and determine where it may be appropriate to reduce operations.

● Prepare a plan of communication to employees that addresses:

  ▸ Teleworking policies and staggered schedules, which may be effective at increasing the physical distance among employees.

  ▸ Employee anxiety and misinformation.

  ▸ Point of contact from Management & HR for any help or information.

3. **Create and Implement a Safety Plan**

● Consider where, when, and how employees may be exposed (such as from the public or other co-workers).

● Consider employees' individual risk factors.

● Follow governmental regulations.

● Consider limitations on non-essential travel.

● Communicate basic prevention measures, consistent with governmental guidelines.

● Promote hand hygiene—frequent handwashing for all employees, visitors, and customers.

● Provide soap and water (or hand sanitizer with at least 60% alcohol) where possible.

● Encourage respiratory etiquette, including covering coughs and sneezes.

● Provide tissues and trash bins.

● Consider employee screening, including temperature checks and symptom questionnaires.

● Develop policies for identification and isolation of sick or exposed employees.

● Encourage employees to self-monitor for signs and symptoms of COVID-19.

● Ask employees who have been exposed to COVID-19 or travelled to a high-risk location to work from home for an incubation period of 14 days.

● Develop clear policies for reporting to HR/Management when an employee becomes sick or begins experiencing symptoms.

● Implement engineering controls such as high-efficiency air filters or sneeze guards where appropriate.

● Ensure the use of personal protective equipment (PPE) where appropriate, including face masks, respiratory protection, goggles, gloves, and face shields.

● Consider ensuring that the plan has general applicability to cover other infectious diseases.

4. **Consider Leave Options**

● Review existing policies to ensure consistency with central & state rules as part of Disaster Management Act, 2005 (DM Act).

● Track employees' use of leave, reason for leave, and duration.

● Ensure that individuals on leave return to their prior positions.

5. **Consider Confidentiality**

● Require employees infected with COVID-19 to identify all individuals who have worked in close proximity.

● Inform other employees of any possible exposure, *but keep the identity of infected employees confidential*.

● Consider non-invasive screenings for employees, including body temperature checks and symptom questionnaires when entering the workplace. Maintain confidentiality in a manner such that:

(1) Results are kept separate from personnel file.

(2) Temperature results are kept confidential.

(3) You may disclose the name of an employee that has tested positive for COVID-19 to the respective state government authority.

6. **Consider Workers' Compensation Issues**

The law remains unsettled relative to workers' compensation and COVID-19.It is advisable to remain abreast of developments.

There are questions as to whether COVID-19 will be considered an "ordinary disease of life," which generally will not be covered.

Consider the workers' compensation factors relative to COVID-19:

● Will the employee be able to demonstrate that he or she contracted the virus during the "course of their employment"

● Will the employee be able to demonstrate whether the contraction "arose out of" their employment.

● Did the position present the employee with an "increased risk" of contracting COVID-19?

7. **Remain Cognizant of Anti-Discrimination/Anti-Harassment Policies**

● Consider redistributing anti-discrimination and anti-harassment policies, including POSH.

● Consider training for supervisory staff relative to responding to comments about COVID-19 and employees who may have been affected.

8. **Remote work**

Telecommuting may have proven to work well during the pandemic for some employers and employees. Using it not only as a short term emergency tool to survive the next year but also as a permanent work/life balance and cost-saving measure should be considered.

Actions to consider include:

● Continuing to allow remote work where possible to keep employees safe.

● Staggering weeks in office and at home among team members, or part-time remote work on alternate weekdays.

● Responding to employee requests to continue to work from home, including long-term arrangements.

● Updating technology to support virtual workers.

● Consider the long-term cost savings or impact of offering permanent remote work.

9. **Policy changes**

It is no longer business as usual, and employers will likely need to update or create policies to reflect the new normal. Some examples include:

● Paid-leave policies adjusted to reflect regulatory requirements and actual business needs.

● Attendance policies relaxed to encourage sick employees to stay home.

● Time-off request procedures clarified to indicate when time off can be required by the employer, should sick employees need to be sent home.

● Flexible scheduling options implemented allowing for compressed workweeks.

● Meal and rest break policies adjusted to stagger times and processes implemented to encourage physical distancing.

● Travel policies updated to reflect essential versus nonessential travel and the impact of domestic or global travel restrictions.

● Telecommuting policies detailed to reflect the type of work that is able to be done remotely and the procedures for requesting telework.

● Information technology policies revised to reflect remote work hardware, software and support.

10. **Unions**

Employers with unionized workforces may have additional considerations, including:

● Determining obligations to bargain when implementing changes to mandatory bargaining subjects such as wages and benefits.

● Identifying the need to add a force majeure clause into a collective bargaining agreement to protect the employer

from contractual obligations during an event that is beyond the employer's control.

Reviewing existing no-strike clauses to ensure continued work during future infectious disease outbreaks.

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