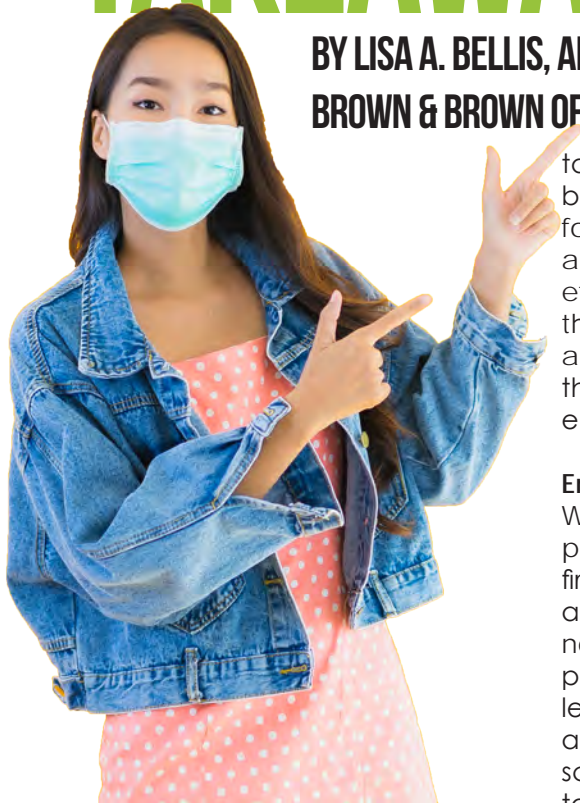


TAKEAWAYS AND LESSONS

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Seven months ago, the United States found itself dealing with the unthinkable – a global pandemic. As the government struggled to protect the nation, businesses grappled with understanding and executing continually evolving regulations. The nation now finds itself succumbing to a “new normal”, where face masks and social distancing have become mandatory in many places.

The first lesson is, there had better be a take-away from all of this. We’ve had seven months to wrap our minds around the unimaginable. By now, although we are still struggling to learn more about SARS-CoV-2, we know more about what worked and what didn’t work than we did at the start. It’s critical to review the

takeaways and turn situations that backfired into solutions moving forward. That means development and implementation of practical, effective procedures for protecting the health and well-being of staff and consumers. Here are some of the most critical lessons learned by employers in recent months:

Emergency Action Plans

While most organizations had plans outlining procedures for fires, tornadoes, active shooters and bomb threats, many did not address procedures for a pandemic. Organizations quickly learned the difficulties in executing a plan that does not exist. Many scurried to appoint employees to entirely new roles and responsibilities. Others learned that ongoing communication with all employees was central to reducing apprehensions and staying focused. In the midst of this crisis, we found ourselves scrambling to develop a new way of going about business.

Emergency Action Plans (EAP’s) enable consistent, clear communication on the continuity of operations during an emergency. Successful EAP’s define:

- Your Pandemic Response Group
- Roles and Responsibilities
- Workplace Safety Precautions/ Infection Control Guidelines
- Human Resources Issues/ Employee Absenteeism
- Communication Methods
- Essential Records Management

- Travel Restrictions
- Supplies/Personal Protective Equipment
- Self-Reporting/Quarantine Requirements
- Potential Shut-Downs and Services that Cannot Be Interrupted
- Remote Work
- Reopening Guidelines

Once your EAP is finalized and approved by the Executive Director, it should be rolled out to all employees. Every employee needs to understand his/her roles and responsibilities during an emergency. Each year, this plan should be reviewed and updated based upon changes in operations, locations, technology, etc. Annual training is recommended and new hires should be brought up to speed on all emergency plans.

Reopening Safely

As states began to lift restrictions, organizations were faced with a whole new challenge – reopening safely. If a portion of your business, or your entire business, has been closed, or if staff have been working remotely, you’ll want to develop and prepare for a safe reopening. This should be outlined in your EAP. Reopening guidelines should include the anticipated return-to-work date, disinfecting and deep cleaning measures, employee screening procedures, employee safety training, procedures for individualized requests, updates to the office layout, and social distancing protocol.

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Safe re-openings are a team effort. Every person in your organization must commit to keeping their co-workers and consumers safe. This means voluntary self-reporting and quarantine if they are sick or infected with COVID-19. Once your organization develops reopening procedures, managers and supervisors have an important role – lead by example! If your guidelines require face masks, managers and supervisors should be wearing them properly (not below the nose or chin). Each employee should be held accountable for following

these procedures, without exception.

Cleaning and Disinfecting

Another lesson learned is that *cleaning* is no longer enough. To control the spread of germs, it's important to *first clean, then disinfect* every area and surface. Cleaning removes some of the germs, but it does NOT kill germs. Disinfecting applies chemicals to kill the germs and viruses that remain after cleaning. Since

disinfectants are defined as "hazardous chemicals" by the Occupational Safety

Data Sheets (SDS'), which provide information relating to occupational safety and health for the products, and the product labels before using them. Utilize the appropriate concentration and application method per the manufacturers' instructions. ...and NEVER mix disinfectants or cleaning solutions!

This can result in toxic fumes and can be fatal!

Organizations should start by updating their inventories of hazardous chemicals to include any new disinfectants and cleaning products introduced into the workplace. All hazardous chemicals should have SDS', which must be made readily accessible to employees during each work shift. Next, all disinfectants and cleaning products, as well as other hazardous chemicals, should be labeled. Container labels must never be removed or defaced, and if a chemical is transferred to a new container, it must be properly labeled.

Employees responsible for using these chemicals must be trained to understand the physical and health hazards associated with each chemical, measures they can take to protect themselves, and how to read labels and SDS'. Training should occur in the work areas at the time of initial assignment, and each time a new chemical is introduced into the work areas.

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and Health Administration (OSHA), procedures must be developed to keep your employees safe.

Disinfectants should always be selected based upon the type of surfaces you wish to disinfect (fabrics, wood, plastic, metal, etc.). Always read the Safety

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Personal Protective Equipment

The first step in determining the appropriate personal protective equipment (PPE) is to conduct an exposure analysis. Is each worker in a low-, medium- or high-exposure category? The next step is to apply engineering and administrative controls to attempt to reduce the exposure. Engineering controls include physical barriers, ventilation systems, automatic doors, etc. Administrative controls include social distancing, staggered work shifts, employee screening, prohibiting unnecessary visitors, and cleaning and disinfecting. Once you've applied both of these controls, it's time to decide what type of PPE is necessary. PPE is always the last line of defense and is required if the exposure still remains after all other controls have been exhausted.

Employees in a low-exposure category have little or no contact with consumers or co-workers. These employees would require cloth face coverings if they are unable to socially distance themselves. Employees in a medium-exposure category have close, frequent contact with consumers and co-workers. These employees should wear face masks when in contact with others. Respirators are not typically required for this exposure level. Employees working in a high-exposure category work closely with individuals who have tested positive for, or are exhibiting symptoms of, COVID. These employees will need several forms of PPE, including respirators (N95 or approved KN95), gloves, face shields, and gowns, to perform their jobs safely. Regardless of the exposure category, frequent and thorough hand washing is critical.

Many employers are unaware that N95 and KN95 masks are actually respirators. OSHA requires a formal respiratory protection program for employees who are required to wear respirators. OSHA also requires the completion of the Respirator Medical Evaluation Questionnaire, which identifies medical conditions that could place employees at risk of serious medical consequences if respirators are used. Information regarding OSHA's enforcement guidelines on filtering respirators can be found at <https://tinyurl.com/y9e6e5ev>.

Workers' Compensation Claims

One of the most frequently asked questions since the start of the pandemic is, "Does Workers' Compensation insurance cover COVID-19 claims?" Lawsuits have erupted country-wide and some states responded by enacting coverage for essential workers. On July 30th, the New Jersey Assembly adopted Senate Bill 2380, which was signed into law on September 14th. It creates a "rebuttable presumption of compensability for a broad set of COVID-19 positive workers qualifying as 'essential employees,' [as] long as the . . . individuals worked somewhere other than their own residence at the time of infection" (*National Law Review*, 2020). Under this bill, the burden of proof falls on the employers to rebut the claims by providing evidence showing the workers were not exposed to the virus in the workplace. Governor Phil Murphy stated that the law will take "immediate effect" and will also apply retroactively to the date New Jersey declared a state of emergency (March 9, 2020).

One provision of the law that may initially seem positive for employers is that COVID claims will not be entered into the calculations of experience modification. This may actually impact the ability of non-profits in health and human services to secure Workers' Compensation coverage in New Jersey. Under SB 2380, health and human service organizations are deemed *essential*, thereby providing Workers' Compensation benefits for COVID claims. Since the bill was enacted, many carriers may begin to pull out of the health and human services market, since they are unable to recoup the cost of these claims by way of the experience modification. This has the potential to leave many employers faced with no option other than to enter the assigned risk pool. At this point, it's too early to tell what the final impact will be.



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For now, employers should continue to work with their brokers and workers' compensation insurance carriers to determine compensability on a case-by-case basis, as situations arise.

OSHA Reporting

In determining whether to record cases in the OSHA 300 log, employers in health care, emergency response and correctional institutions must first have confirmed cases of COVID, as defined by the Centers for Disease Control and Prevention, and they must be considered work-related. Since COVID-19 is considered an *illness*, Section (M) – Illness must be completed by selecting (3) Respiratory Condition. If an employee requests anonymity, the employer must enter it as a "PRIVACY CASE" in lieu of the employee's name. Any other information that could potentially identify the employee must also be omitted or altered to protect the anonymity.

Communication

According to the *Harvard Business Review* (2020), employees are looking for frequent communication, a "safe channel" to provide feedback, assistance in working effectively while working remotely, assurance of job security, and a plan for moving ahead. Now more than ever, leaders need to model the changes

that will be necessary for the continuity of their organizations. Good leaders communicate hope and reassurance that their organizations will get through this crisis. They request and listen to feedback from all employees about how their organizations have handled the crisis. Now more than ever, it's important for leaders to start reviewing their takeaways and feedback from the pandemic. The actions taken and words spoken by leadership will ultimately determine whether or not organizations will get through the crisis.

If you have any questions or are interested in resources related to the information provided, please feel free to reach out to Lisa Bellis at lbellis@bbinslv.com.

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