

Employer's Liability Risk Advisory

Covid-19 Returning to Work



Background

For many businesses, navigating a path back to work in these uncertain times can be challenging. The following advisory bulletin is designed to guide your customers as they begin to navigate the process of working in the “new normal”.

Employer’s liability policies operate on a legal liability trigger. This means they respond where a policyholder is legally answerable or obligated under law, subject to policy terms and conditions. For a claim to be successful it must be shown that the employer was negligent in the discharge of the duties they are obligated to carry out under law.

The main law in question is the Safety, Health and Welfare at Work Act (2005). Under this act, employers have a statutory duty to protect the safety, health and welfare of employees as far as is reasonably practicable.

Has Covid-19 changed things?

In short, yes, Covid-19 has changed the actions an employer will be reasonably required to take to ensure the discharge of this statutory duty.

What do I need to do?

The first requirement is that you must have a Covid-19 response plan in place. This must be a written document and it needs to address a number points, including the following:

- The plan should identify risks attaching to work activities carried out in the workplace.
- These activities should be assessed and appropriate measures put in place to manage these risks.
- The document should include a detailed plan of how you will respond to a confirmed case of Covid-19 arising at your workplace.

It is important to recognise that risk issues and required measures will vary greatly between industry sectors and no set of measures is exhaustive, but there are a number of universal themes that should be addressed such as:

- Physical distancing.
- Promoting and facilitating personal and respiratory hygiene.
- The provision of suitable workplace hygiene (including canteen and bathroom facilities).
- Measures for the protection of vulnerable employees.

Working from Home

Government advice is that where practicable, office work should continue to be carried out from home. As remote working becomes the new normal, employers will need to take appropriate steps to ensure this work can be done safely. A remote working protocol should be documented and issued to all employees with specific reference to ergonomics, environment, breaks and downtime and managing isolation, stress and anxiety.

Documentation and Record Keeping

Proper recording and documentation is of paramount importance to managing your new exposures. It is essential that your Covid plan is clearly documented and communicated to all employees. Training in new methods of work practice and is strongly advised and records of this should be maintained, as should records

of employee self-health check and declarations. These should be maintained indefinitely. Finally, organisations should be prepared to adapt to changing circumstances and deal with issues as they arise.

Zurich Insurance plc
P.O. Box 78, Co Wexford, Ireland.
Telephone: 01 667 0666 Fax: 01 667 0644
Website: www.zurich.ie
Zurich Insurance plc is regulated by the Central Bank of Ireland.

