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How Companies Protect Themselves By Drafting Contingency Plans to Mitigate Any Possible Health, Labor and Economic Risks, and Ensure the Survival of their Business

LABOR AND EMPLOYMENT LAW. SAFETY AT THE WORKPLACE

Coronavirus: How companies protect themselves by drafting contingency plans to mitigate any possible health, labor and economic risks, and ensure the survival of their business. **What to do if you have COVID-19 Confirmed Positive at the workplace.**

Dear All,

During our legal advice session *-El Consultor Laboral-* via Zoom on July 2, 2020, the experts at de Diego & Asociados discussed how companies should protect themselves by drafting contingency plans to mitigate any possible health, labor and economic risks, and ensure the survival of their business.

The advantage is that the business sector would face this new scenario with “lessons learned”, including the possibility of reaching understanding or cooperation agreements and creating a Network, to keep the company business going during the crisis. Naturally, their earnings will drop but the most important thing is to stay afloat in the market, and not to sink.

It is crucial to assess any possible scenarios, including new consumption habits and which kind of decisions will be taken if companies do not have cash flow, and think how to adapt and respond to any situations to determine business survival.

As to health and safety at the workplace, actions need to ensure a safe return to work and deal with the adverse effects of this crisis, including diagnostic testing and high hygiene and cleaning standards.

The strategy in place in Argentina seems to have ignored the key to success in other countries that have effectively dealt with the pandemic: massive testing, effective contact tracing and isolation of confirmed cases.

The main measures for workers to return to work safely, protocol implementation and compliance with health regulations to detect COVID-19 cases include:

- The main preventive measure is that companies must ensure that employees keep a distance of at least two meters in the workplace.
- Wash work uniforms at between 60 and 90 degrees.
- Companies must remind workers to wash their hands regularly and observe other hygiene measures.
- Companies must supply personal protective equipment, in the form of masks, gloves and suitable uniform, as appropriate.
- Elsewhere it is mentioned that an employee appearing to be showing signs of suffering from COVID-19 (but without exhibiting symptoms and with no isolation order from the health authority) must be immediately referred to the prevention service for a health check (e.g., temperature), for the employer to safeguard the health of other employees and any external persons.
- Although health information must be kept confidential, if there are any confirmed cases of Coronavirus infection at a company, steps must be taken to protect the workforce, such as by rolling out remote working wherever possible. The prevention service will be responsible for establishing how to investigate and trace close contacts, in conjunction with the public health authorities.
- The Department of Health may conduct inspections at companies to check compliance with all safety and hygiene measures, and also order a visit to the plant and carry out in-situ inspections to enforce compliance.
- Companies should provide protective equipment to essential workers and run tests frequently, maybe on a daily basis, to different working population groups to ensure they are not transmitting the virus to coworkers.
- Activate safety and hygiene protocols in suspicious or symptomatic cases for early detection and quick diagnosis.
- It is vital to detect, isolate, evaluate and handle each case, and put each person (with whom the infected patient may have come into contact) in quarantine.
- HR sectors should conduct follow-ups and through footage, surveillance videos, track down and investigate with whom the infected patient may have come into contact to order preventative isolation for close contacts as the only way to avoid the spread of the virus quickly.
- Emotion Management: Another important issue is to look after workers' mental health in the short and long term; companies have started to roll out systems to measure workers' mood.
- Disinfect facilities constantly to keep them free from the virus.

- Set up Health Divisions at companies to design health policies, prevent or teach how to take measures to ensure physical distancing and use protective equipment.
- If companies do the right thing, their productivity will fall according to the course of the economy. Hence, a contingency plan should anticipate a decline in demand and suppliers' restrictions.

At University College London it has been concluded that the only way to tackle the pandemic is through aggressive testing, tracing and then lockdown.

1. If the infected people are quickly diagnosed and isolated, the pandemic can be tackled and essential workers can be protected, and more people can come back to work safely.

2. The traditional economic measures to deal with a recession will not be successful if people cannot return to work safely.

3. It is a complete waste of resources if people try to go back to work and it is not a safe and healthful environment.

The key to a safe return to the workplace includes:

- Naturally, remote work or telework is the safest form of work par excellence. Workers are allowed to work from home, whenever possible because of the tasks they perform, and avoid any unnecessary risks while commuting, save traveling expenses, and limit the spread of the virus. (According to professors at Harvard University, staying at home is the right strategy to tackle the pandemic)
- The companies that have reopened may schedule rotating shifts and divide workers into groups, while testing and relying on apps and GPS technology to track down cases.
- Moving quickly to track down cases. Its effectiveness is confirmed when a new case is found and put in quarantine.

Experts from the Department of Health Policy, London School of Economics (LSE), say that we have information about the recovery rate (the period from infection to recovery) but there is still so much to learn about contact rate (the possibility of infection during contact) and how the virus behaves.

A successful lockdown does not mean an area will be free of Coronavirus.

- Don't test once - test twice. There is a simple message that health experts say over and over again: "The most important lesson that we have learned from Asia is that testing is crucial".
- One of the reasons why South Korea has so effectively tackled the pandemic is that they implemented aggressive testing, tracking and lockdown measures.
- Develop daily testing systems at companies rapidly.

- According to a professor of infectious diseases at Universidad Nacional, it was really remarkable how they step in and test their population; this shows the significance of testing twice.
- We don't just need to know who's got the virus, which may be detected by swab testing, you also need an antibody test to tell you who had it.
- As a result of the paralysis of nearly the entire economic activity in the Philippines millions of people have been laid off. According to the Department of Labor of the Philippines, some five million people have lost their jobs during lockdown.
- For instance, Taiwan and Japan tracked down cases and ordered isolation for those who tested positive and their close contacts, so they had a map of those who got infected and where the virus had spread.
- In Singapore Coronavirus Detectives made the front page of newspapers around the world, because they tracked down thousands of people who have come into contact with the virus through CCTV footage and other means, and ordered self-isolation until they got the results from the labs. The isolated people were contacted several times a day, and sometimes they were asked to send pictures of their location.
- Hong Kong established even more intrusive systems, such as electronic bracelets for those arriving from overseas.

In other words, it seems clear that as confinement and lockdown measures are gradually relaxed, Occupational Hazards Prevention will play a specific role at companies, becoming an fundamental division to ensure a balance between the necessary flattening of the epidemic curve and the cherished resumption of business and employment activities at safe workplaces with the aim of solving the dilemma between health and economy.

Please do not hesitate to contact us for further information.

Best regards,

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