

Managing Risks in the Shadow of a Pandemic – Health, Safety, and Welfare





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Understanding Your Duties and Obligations

For employers and employees, the coronavirus (COVID-19) pandemic continues to bring daily challenges as they work to navigate a dynamic and evolving situation. The legal, moral, and financial duties placed upon organisations can be overwhelming as we seek to find ways to maintain daily life under the pressures of COVID-19 at home and at work.

We aim to help organisations answer some of the questions that have arisen as a result of the COVID-19 pandemic and address the legal implications as we shift to new and innovative ways of working.

Businesses should continue to monitor the impact of the COVID-19 pandemic on their employees, facilities, and supply chains as decisions may need to be made quickly to take account of what is a fast-changing situation.

What the Law Requires

The Health and Safety at Work Act 1974 (HSWA) places duties on employers, self-employed people, and employees. Under this act, employers have a duty to protect the health, safety, and welfare of their employees, including those employees working from home or in remote locations.

Most of the regulations under the HSWA apply to homeworkers as well as to employees working at an employer's workplace. These include, for example:

- Management of Health and Safety at Work Regulations 1999 (MHSWR).
- Display Screen Equipment Regulations 1992.
- Manual Handling Operations Regulations 1992.
- Provision and Use of Work Equipment Regulations 1998 (PUWER).
- Control of Substances Hazardous to Health Regulations 2002.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

An important consideration related to COVID-19 is its classification as a biological agent under the Control of Substances Hazardous to Health Regulations 2002. This means that potential exposure through work activities must be carefully controlled.

The Health and Safety Executive (HSE) has a section on its [website](#) dedicated to infections at work, containing useful guidance for employers. The sections on pandemic influenza and severe acute respiratory syndrome (SARS), a coronavirus that emerged in 2003, are likely to be particularly helpful in terms of conducting a COVID-19 risk assessment and identifying appropriate control measures.

The risk assessment, which is required under the Control of Substances Hazardous to Health Regulations 2002, should take account of the latest guidance from Public Health England and Public Health Scotland, and should be reviewed as advice changes. The level of risk will vary depending on factors such as travel, the type of work, and particularly the potential for close contact with infected individuals or body fluids. The employer must identify control measures which will eliminate or, where this is not possible, minimise the risks which emerge from the risk assessment as far as is reasonably practicable.

Also of note is the requirement on employers to consult with their employees about any arrangements put in place to control the risks associated with the coronavirus. Good communication will be essential to ensure that these measures are effective. Employers should also note the applicability of RIDDOR due to the classification of a biological hazard. However, there will be challenges in reporting due to the need to prove the causative link between the work and the biological agent.



Remote and Home Working

As we strive to maintain “business as usual”, there is a big shift to home and remote working to reduce exposure and minimise the spread of COVID-19.

Separately, and Under the Management of Health and Safety at Work Regulations 1999, employers are required to undertake a risk assessment of the work activities carried out by all workers, including those working at home. Completing a risk assessment involves identifying the hazards relating to the homeworkers' work activities and deciding whether enough steps have been taken to prevent harm to them or to anyone else who may be affected by their work.

It is important to note that health and safety (H&S) standards in the UK are considered some of the best in the world, so we are likely to be held to a high standard when managing new COVID-19 risks to the health and safety of our home working employees.

Risk assessments should also factor in the requirements of the Display Screen Equipment Regulations 1992 and the provision of information and training.



HOW TO DO A RISK ASSESSMENT

There are five steps that employers need to take to make sure that a proper risk assessment is achieved:

1. Identify any hazards.
2. Decide who might be harmed and how.
3. Assess the risks and take appropriate action to remove them or reduce them as far as possible.
4. Record the findings.
5. Check the risks from time to time and take further steps if needed.



Points to Consider in Remote and Home Working



HOUSEHOLD INSURANCE

Is the homeworker's household insurance valid? It is recommended that employees inform their insurer that they are working at home. Policies usually allow for infrequent home working. A key point for consideration is ensuring that equipment such as laptop chargers and other equipment provided to homeworkers is maintained correctly and tested as required.



USING ELECTRICAL EQUIPMENT FOR WORK AT HOME

If homeworkers use electrical equipment provided by the employer as part of their work, the employer is responsible for its maintenance. Employers are only responsible for the equipment they supply. Electrical sockets and other parts of the homeworkers' domestic electrical system are their own responsibility.



WORKING WITH LAPTOPS AND DISPLAYS

Employers have a duty to make sure that the display screen equipment used by homeworkers is safe and does not affect the user's health. When working with laptops and displays, it is important for homeworkers to adjust their workstation to a comfortable position and take breaks from work.



NEW AND EXPECTANT MOTHERS

When assessing risks to the homeworker, the legislation requires the employer to pay attention to homeworkers who are new and expectant mothers. Risks include those to the unborn child or to the child of a woman who is still breast-feeding – not just risks to the mother herself.



FIRST AID

Under the Health and Safety (First-Aid) Regulations 1981, employers need to ensure that they supply adequate first-aid provisions for home and remote workers. The exact provisions depend on the nature of the work activity and the risks involved. This is more applicable where home and remote working involves more high-risk activities.



REPORTING OF INJURIES, DISEASES, AND DANGEROUS OCCURRENCES

Regulations place a duty on the employer to report and keep a record of certain work-related accidents, injuries, diseases, and dangerous occurrences. Employers have a duty to ensure that they find out about accidents, injuries, diseases – including COVID-19 as a biological agent, or dangerous occurrences arising from work-related activities. This may involve ensuring that homeworkers report any incidents to their employer.

Operational Risk Management Considerations

The current pandemic has focused us in the moment, but also put us in a position to consider the future. China is already reporting signs of recovery and countries will eventually return to normal, albeit a perhaps slightly different normal than what came before. It is important to consider this recovery and the future in operational risk terms as well as dynamically managing the here and now.

MENTAL HEALTH AND WELLBEING

Employees who take steps to improve their mental health when working from home can shrug off the anxiety, depression, and loneliness many remote workers face.

Loneliness and isolation – People miss the social aspect of chatting and venting about work and life when remote. Loneliness is associated with higher rates of depression, anxiety, and somatic symptoms like random pain.

Anxiety, stress, and pressure – The boundary between work and home life blurs for people who work in the same place they sleep. Working from home requires time management, invoicing skills, marketing, IT troubleshooting, customer service, and much more.

Depression – Work from home depression can happen when feeling stuck. The anxiety, stress, and loneliness of working from home can lead to depression or make it worse. Depression is not just feeling down.

PROPERTY RISK

As buildings and properties become increasingly unoccupied, it is worth considering the risks to vacant and semi-vacant buildings. Are systems – sprinklers, security, access control, and fire – being maintained? Proactively managing this and considering insurance renewal requirements should not be left to chance. Continue to consider your property risk exposure – how it is changing and what additional controls may be required. Maintenance, flooding, security, and control remain key.

HEALTH AND SAFETY

As discussed, health and safety of employees, volunteers, and contractors is still the responsibility of the duty holder. As we change working practices in response to the pandemic, we should consider the health, safety, and wellbeing of employees. Homeworker risk assessments, guidance and information on best practice, and how to keep employees safe is imperative, if we are to protect workers from injury and ill health.

OCCUPATIONAL DRIVING

Some sectors are seeing a significant increase in activity – distribution supply chains are under pressure to maintain consumer needs during the pandemic. Recent announcements by the UK Government have seen a relaxation in regulatory requirements for working hours when driving and break numbers to compensate for increased delivery demands. You should consider reviewing your existing driving-at-work protocols and consider if they are still adequate to afford the protection and safety of your employees and other road users and ensure continued compliance with health and safety regulations as risks and hazards change.

CLAIMS DEFENSIBILITY

As the world evolves at an unprecedented rate, changes in the way we work and do business are also straining to keep up. Potential claims arising from home and remote working, in conjunction with the mental and psychological aspects of safety and health, need more consideration as we shift from more traditional ways of working. Protecting yourself from new types and greater volumes of claims is important at a time when company bottom lines and insurance markets are under pressure.

How Marsh Can Help

To help navigate these challenging times, we have updated our solutions in response to the pandemic situation, which continues to unfold daily. Below we have outlined some of these solutions to ensure you have continued support and where possible maintain business critical processes.

Risk	Solution	Solution details
Mental health	Strategy for mental health and wellbeing	<ul style="list-style-type: none">• Our mental health professionals will develop a mental health and wellbeing strategy to help your business and workforce through this difficult time, keeping them engaged and maintaining effective communication as well as providing advice.• We provide support to update your strategy as the situation changes and ensure support for vulnerable employees who may be at more risk of poor and declining mental health.
	Training and awareness webinars	<ul style="list-style-type: none">• We provide training sessions on standard topics, including: “What Is Mental Health and Why Is It Important?”, “Anxiety – Overcome Fear and Anxiety”, and “Depression and Manage and Reduce Stress”.• We can also run group (up to 500 people per session) self-care sessions on topics such as mindfulness.• We run “Mental Health for Managers and Employees” through e-learning modules via our supporters at Champion Health.
	Direct support and advice via a dedicated hotline	<ul style="list-style-type: none">• We can provide advice and guidance on how to improve mental health and wellbeing for employees when remote or home working. This support can be made available for HR professionals, managers, etc. The purpose of this is to help navigate more complex situations or concerns.
	Monitor your employees' health and wellbeing	<ul style="list-style-type: none">• We can help you measure the wellbeing of your workforce through self-assessment surveys to proactively capture any fluctuations or trends in the overall wellbeing of your workforce through prolonged, remote, or home working.• These surveys also can pinpoint areas of concern to target help and resource.
Health and safety	Remote and home working risk assessments	<ul style="list-style-type: none">• We can provide homeworking risk assessment support (covering workstation assessment, location risk assessment, lone working assessment, COSHH controls, including biohazards, etc.).• We can provide video call support, interactive, online, and soft copy assessments, real-time completion support, video call follow-up support and assistance.• We can provide online assessments and monitoring of remote employee working.

Risk	Solution	Solution details
	H&S competent person and advice line	<ul style="list-style-type: none"> We will provide appropriate information to you and your workforce to ensure they have the knowledge to continue to work safely in these unprecedented times. We can provide: <ol style="list-style-type: none"> 1. Advice on dealing with unfamiliar incidents, investigation, and recovery. 2. Guidance on dealing with a potentially contaminated office (relating to COVID-19). 3. Assistance with checking in on the welfare of your remote workers. We will help you manage incoming issues. Information gathering generates new requirements, so we will compile the information into succinct, easy to deal with information to give you peace of mind that your workers' exposure is managed.
Property risk	Vacant building support	<ul style="list-style-type: none"> We can provide guidance to support clients with vacant buildings and shutdowns including desktop reviews and guidelines in managing vacant and semi-vacant buildings and follow up advice to help mitigate any risk exposure.
	Remote surveys	<ul style="list-style-type: none"> We can provide interactive calls to collect construction occupancy protection exposure (COPE) information which includes: video calls to review site areas in conjunction with site layout drawings, photographs/videos provided by clients, and production of desktop COPE reports with loss estimates and risk improvement recommendations.
	Account stewardship	<ul style="list-style-type: none"> We will work with you to review and provide support with outstanding risk improvements, and develop a completion strategy around reducing loss estimates/capex. We can provide flood/natural catastrophe (NAT CAT) risk at site locations.
	Project and recommendation support	<ul style="list-style-type: none"> Calls with you to support projects and recommend completion issues. We can support with the develop of site emergency response plans for flood and NAT CAT. We can develop best practice documents and risk rating tools. We can provide support/planning visits and stewardship support work for future renewals.
Valuations	Single or multi-site valuations	<ul style="list-style-type: none"> We can carry out surveys without access to site buildings and by minimising contact with personnel. With your agreement, and provided that unhindered access to the building periphery is available, basic building measurement, construction, and usage data may be gathered. We deliver reinstatement cost assessments to you while maintaining the necessary social distancing between surveyors and site staff.
	Portfolio asset calibration	<ul style="list-style-type: none"> It is common for property portfolios to be valued for insurance purposes on an annual percentage increase basis. However, if this is done for any significant length of time, it risks becoming inaccurate, either leading to you paying too much in premiums or being exposed in the event of a loss. Where there are a large number of property assets, our approach is to survey a small sample number of assets within the portfolio to compare the values calculated with currently held estimates. We can then use this comparison to adjust the values of the remainder of the portfolio, ensuring assets can be more appropriately insured going forward.

Risk	Solution	Solution details
	Desktop valuations	<ul style="list-style-type: none"> In some cases, we recognise that a physical visit to your site is simply not possible. Where this is the case, we would look to carry out a desktop valuation, making use of floor plans/layouts and any further information you can provide to help identify the measurement, usage, and construction data needed to enable a viable property reinstatement cost assessment to be carried out.
	Contents, plant, and machinery valuations	<ul style="list-style-type: none"> We are also able to offer this desktop service with regard to contents, plant, and machinery asset valuations – subject to limitations – and accepting that the level of accuracy is not the same as a site inspection facilitated valuation. In these circumstances, a preliminary (indicative) valuation would be provided followed up with a finalised valuation once an inspection can be subsequently carried out.
Driving at work	Review of driving-at-work policies	<ul style="list-style-type: none"> We review your existing policies to determine any changes in working patterns, demands, and driving requirements. We can provide: <ol style="list-style-type: none"> 1. Remote desktop study. 2. An in-depth review of your policies and procedures relating to driving at work. 3. Analysis of documentation relating to driving at work. 4. Online interviews with key stakeholders to review driving at work procedures. 5. Identifying opportunities for improvement and new initiatives to manage risk during the pandemic.
	Review or create driver handbooks	<ul style="list-style-type: none"> Driver handbooks can be created or amended to reflect the current work environment.
	Driver advice and support	<p>We can provide:</p> <ul style="list-style-type: none"> Telephone and email support service. Information and communication to keep your workforce engaged and motivated requires regular communication and information. Training and awareness webinars to provide guidance and advice. Provision of guidance and advice through e-bulletins. Target areas such as avoiding fatigue and maintaining wellbeing.
	Online driver training	<ul style="list-style-type: none"> We can provide bite-size videos for: driver awareness, accident management, anxiety, and mental health. Our online driver perception surveys can enable you to evaluate the current climate and driver perception in the current environment.
Claims defensibility review	Mock trial training	<ul style="list-style-type: none"> We can provide online classroom-based mock trial training. We can provide desktop/remote-based claims defensibility reviews of procedures and systems.

Our team of dedicated risk consultants is here to support you, ensuring best practice levels of care and due diligence in looking after your workforce. Our team will help position your organisation to rapidly intercept and handle potential risks before they escalate. We can provide assurance that your staff are exposed to minimal risk, are working in a safe environment, are demonstrating compliance to enforcing authorities, insurers, and key stakeholders, and are ready to be deployed back to regular work patterns when the crisis passes.

For more information on any of the management, response, and recovery solutions outlined in this document, please contact a colleague below, visit our website www.marsh.com, or speak to your usual Marsh representative.

Health and Safety	Claims Defensibility	Motor and Driving at Work
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