

Covid-19 - control system resilience.

Legal commentators are reporting that a significant number of businesses have been set up to assist individuals in making claims for Covid-19 acquired due to their employment. Any claim for Covid-19 would be classed as a disease claim and potentially complex in their nature with the associated increased potential claims costs. Establishing causation will be key and that may involve expert evidence, which also carries a cost. Whilst obtaining reasonable evidence to justify such a claim could be challenging, lawyers suggest that claims will be made.

So what can be done to assist in the effective management of a potential claim? There are three essential steps to take in relation to developing evidence that your workplace has been managed in a manner that reduces the risk of virus spread. These are:

1. Risk assessment

Covid-19 is a new risk in your workplace and as such, should be subject to a risk assessment. The risk assessment process should include a consultation with your employees and union representatives as appropriate. An effective consultation process will provide employees with an understanding of why new procedures have been brought into the workplace and the importance of adhering to those procedures. The findings of the risk assessment should be shared with your workplace on a signed receipt basis.

Your Covid-19 risk assessment should:

- > Be dynamic and keep up with government guidance as it changes and evolves
- > Have changes tracked so you can demonstrate that it has been updated
- > Clearly evaluate the risks of employees contracting Covid-19 at work
- > Show how potential virus spread has been prevented at source
- > Demonstrate that the process of control has been adapted for different roles
- > Show how the controls are applied to the workforce
- > Involve the workforce and unions in its development
- > Be published on your website if you have more than 50 employees
[gov.uk/guidance/working-safely-during-coronavirus-Covid-19](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19)

A template version of a Covid-19 risk assessment is available as part of this toolkit.

Covid-19 – control system resilience.

2. A documented checklist

Keep a written record of conversations with an employee in relation to Covid-19. The record should note how the individual is travelling to work, whether they have to work closely with colleagues, whether there has been a particular incident at work that could result in the employee acquiring the virus etc. The date of completion of the record is vital. A template version of the checklist is available as part of this toolkit.

3. Health surveillance records

Health surveillance records are important documents in respect of the effective management of claims. Keeping these records should not result in delving into the personal life of an employee but records on the following areas should be retained:

- > Records of people who have tested positive
- > Records of people who are self isolating
- > Records of vulnerable people within the workforce and whether they are working at home or in the workplace
- > If an individual has to work closely with another employee, make records of which employees are working together
- > Keep records that show how vulnerable people have been ringfenced whilst at work to reduce their contact with other employees
- > To the extent that records contain personal data (any information from which an individual could be identified), all such records should be kept in accordance with all applicable data protection laws and regulations.

Other management issues

Covid-19 Management responsibilities

Managing the spread of the virus in the workplace is much the same as managing other occupational health exposures. There should be a formal system for managing the risk and the system should designate key individuals as having a role to play in the implementation of the controls.

The following questions should be considered:

- > Who is responsible for running the Covid-19 infection control system?
- > Who is responsible for implementing the system?
- > Who keeps up to date with guidance so the control system can evolve?
- > What are the communications to the workforce and who is responsible for developing the content and delivering the communication?

Covid-19 Reporting procedures

Exposure to Covid-19 due to work activities is a dangerous occurrence under the Reporting of Injuries and Dangerous Occurrences Regulations 2013 (RIDDOR) and any acquired disease a RIDDOR prescribed disease. Reasonable evidence that the exposure occurred at work would be required. Infections acquired in the community are not the responsibility of the employer to report. The balance of probability has to point towards the virus being acquired by the employee at their place of work. A GP or hospital diagnosis report on the employee will be needed before a RIDDOR report can be made. A reasonably practicable approach will need to be taken in respect of reporting times.

Covid-19 Emergency procedures

An emergency procedure should be available to implement in the event of an employee confirming that they have contracted Covid-19. All employees should be aware of the emergency procedure.

A work area that has been used by an employee with suspected coronavirus symptoms should be cleaned with a normal household disinfectant. The person carrying out this cleaning activity should wear disposable gloves and apron for the cleaning process. These items should be double bagged, held in a secure space for 72 hours and then disposed of in the bin for everyday waste.

Covid-19 – control system resilience.

If the workplace has been heavily contaminated, the area should be clearly designated as off limits until the area can be cleaned. The person cleaning the area should wear the apron and gloves mentioned above and additionally wear eye protection respiratory protective equipment that covers the nose and mouth. There is a hygiene and surface contamination guide which has been developed as part of this toolkit.

If an outbreak of coronavirus occurs in your workplace an outbreak control team from the local authority or from Public Health England may be involved.

Covid-19 Monitoring and control audits

The successful implementation of any system involves a monitoring process to ensure that procedures are practical and that they are being followed by staff. Those people who are responsible for monitoring the implementation of the control system should be identified. How the monitoring takes place in terms of what is measured and how weaknesses in the system are reported should also be considered. Positive indicators could include:

- > The delivery of regular communications to staff on Covid-19 control
- > The number of people who are successfully and productively working at home rather than needing to come to the office

- > The number of meetings that can be undertaken without the participants physically being in the same room

Negative indicators could include:

- > The number of reported cases of Covid-19 infections acquired in the workplace
- > The number of employees who are self isolating because of an individual acquiring the virus through work activities
- > Number of infringements of workplace social distancing rules e.g. not following one way routes.

The infection control process should be audited on a regular basis by an impartial individual who is aware of the requirements of the system and what to look for in terms of positive and negative indicators of success. The results of the audit should be reported to the senior management team. A range of QBE iAuditor tools have been developed to assist with the auditing of various parts of the Covid risk management system.

This document is provided by QBE "as is", without warranty of any kind. The information contained within this document is not intended to: (i) identify and address all risks within your business; (ii) provide definitive medical, legal, regulatory, risk management, professional or other guidance; or (iii) replace, nor should it be relied upon as a substitute for, legal, medical, professional or other advice. QBE is not responsible, and accepts no liability, for any loss, damage, claim, cost, expense or other sum directly or indirectly resulting from your reliance on the information contained herein. The information contained within this document does not override any existing policy conditions.

QBE European Operations

30 Fenchurch Street
London EC3M 3BD
tel +44 (0)20 7105 4000
QBEurope.com

