

TOPIC: COVID-19 Businesses Re-opening

The Federal and Provincial governments have announced strategies for phased reopening of businesses within their various jurisdictions. Below are links to the plans for BC, Alberta and Saskatchewan:

- ✓ [BC Restart Plan](#)
- ✓ [Alberta Relaunch Strategy](#)
- ✓ [Re-Open Saskatchewan](#)

As business owners and employers begin the process of reopening, action must be taken to lower the risks of transmission of Covid-19 within the workplace.

The risk of transmission is impacted by:

- A) The number of contacts, the number of people present at the same time, and;
- B) The level of contact, close or distant and the length of contact, brief or prolonged.

For business owners, risk exposures related to COVID-19 have of course included significant economic perils. As businesses begin to reopen other potential risks related to Occupational Health and Safety and Legal Liability Risks may be present, along with Privacy and Cyber Risks associated with work from home protocols.

As with any Risk Management strategy, risks must first be identified and analyzed to determine and develop the best practices to control and mitigate them. Once implemented, controls must be monitored to measure results and to allow for modification as required.

The following is an overview of loss control and risk mitigation strategies to minimize potential risks associated with COVID-19 and the phased reopening of business operations.

Employee Health and Safety

The development and deployment of COVID-19 workplace risk mitigation policies and procedures is the first step in protecting staff and others from the risk of transmission of infection while in the workplace environment.

Employers should conduct a risk assessment and analysis to determine what measures may be necessary to eliminate or manage the risk of COVID-19 transmission.

Control measures can be put in place to help control and reduce risk; such as:

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| ❖ administrative controls (rules and guidelines) | ❖ handwashing protocols | ❖ stay at home protocols |
| ❖ physical distancing markers | ❖ remote working | ❖ additional workplace cleaning services |
| ❖ flexible scheduling | ❖ physical distancing practices | ❖ barriers and/or partitions |
| ❖ sanitization and hygiene measures | ❖ staffing rotations | ❖ personal protective equipment (PPE) |



Depending on the level of risk, a single control method or a combination of controls may be required to provide an acceptable level of safety.

Preparing the Workplace

- Open up lines of communications to field and respond to employee concerns;
- Advise staff with cold or flu symptoms, including coughing, sneezing, runny nose, sore throat, fatigue to stay at home;
- Mandate that there should be no physical contact (e.g. handshaking or hugging);
- Policies should require that physical distancing of at least 2 Meters/ 6 Feet be maintained at all times;
- Allow use of non-medical mask or face coverings;
- Ensure all common areas (elevators, entrances, lunch rooms, washrooms) are properly and thoroughly sanitized;
- Arrange for heightened workplace cleaning;
- Deploy the appropriate control measures.

Additional Resources

1. [WorksafeBC COVID-19 and returning to safe operation](#)
2. [Alberta Government COVID-19 Information - workplace guidance for business owners](#)
3. [Saskatchewan Government COVID-19 Workplace Information](#)
4. [Canadian Centre for Occupational Health and Safety – Pandemic \(Covid-19\) Tip Sheets](#)

Legal Liability Risk Exposures

In preparation for reopening, employers will also need to consider their rights and legal obligations under Provincial and Federal Legislation in the jurisdictions in which they operate and which govern Labour Relations, Employment Relations, Workplace Safety Standards and Human Rights as well as potential civil liability.

Employment Standards and Practices/Workplace Hazards

In regards to Employment Standards and Practices, some provinces have introduced specific COVID-19 temporary changes to employment standards including provisions for unpaid job-protection, in addition to changes to Occupational Health and Safety, and Workers’ Compensation guidelines (see the links below).

Therefore in regards to COVID-19 related issues around employment, such as: an employee’s refusal or inability to return to work due to COVID-19 related occupational health and safety concerns; underlying health conditions; childcare issues; issues involving the care of a compromised or elderly relative, employers should seek proper legal advice when dealing with issues of safety, terminations, lay-offs or disciplinary matters.

Workers’ compensation benefits may be available to employees who contract COVID-19 as a result of an exposure arising in the course of employment. Such matters would have to be referred to the relevant Worker’s Compensation Board.

Additional Resources

1. [Alberta Government: Temporary workplace rule changes](#)
2. [British Columbia Government: Employment standards, including job-protected leave and temporary layoffs](#)
3. [Saskatchewan Government: Public Health Emergency Leave](#)

Third Party Legal Liability Risks

Ensuring a commercial property or business can operate while maintaining proper controls to protect the health and safety of occupants, employees, customers and clients will be of significant importance to business owners.

Commercial property and business owners could face potential legal liability from third parties seeking compensation alleging they were infected with the COVID-19 virus within the workplace or commercial property.

To help mitigate such risks, property and business owners should take reasonable and prudent steps to prevent the introduction of and spread of COVID-19 on the premises:

Implementation of Loss and Risk Control Measures:

- Implement and follow guidelines provided by Provincial Health Officers and Workers' Compensation Boards;
- Implement and enforce physical distancing guidelines;
- Control the potential for persons congregating in common areas;
- Employ vigilant cleaning and sanitization procedures and measures;
- Communicate policies that are to be followed to guests, visitors, tenants and/or employees;
- Monitor controls and practices to ensure rules and guidelines are being observed and procedures are being followed.

Documentation and Record Keeping

Maintaining documentation and records of all steps and measures taken could assist in mitigating legal liability risk exposures and help defend any legal claims should one arise.

Insurance

General liability insurance policies may provide coverage for such liability claims depending on the statement of claim or allegation and the specific insurance policy's conditions.

Additional Resources

1. [Government of Canada: Coronavirus disease \(COVID-19\): Prevention and Risks](#)
2. [BC Centre for Disease Control: Prevention and Risks](#)



COVID-19 and Cyber Risks

With changes in operations as a result of COVID-19, many businesses have or will allow employees to work remotely from home to help with social distancing. This change can create potential privacy and cybersecurity risk exposures.

The use of Remote Desktop Protocol (RDP) or Virtual Private Networks (VPN) can expose a business network to attack by hackers which can result in a system disruption in the form of a Ransomware Attack and potential breach of private and personal identifiable information.

Covid19 has created opportunities for Hackers and Cybercriminals who have leveraged COVID-19 as a subject matter to exploit opportunities to impersonate legitimate organizations tricking the reader to “click” on malicious links or reveal their credentials.

Top Covid -19 Exploits

- Posing as government agencies or Non-Governmental Organizations (NGO);
- Deployment of Denial of Service attacks to flood Websites used for internet sales and services;
- Playing on Human Vulnerabilities to deceive;
- Creation of Malicious Covid-19 Maps.

Risk Mitigation

- Utilize strong authentication and security for remote access, and cloud-based email;
- Deploy multiple factor authentication;
- Maintain robust Anti-Malware and Anti-Virus defenses;
- Implement strategies and protocols to minimize the human error factor;
- Educate and Inform Staff – adversaries utilize social engineering tactics to trick and deceive;
- Provide employees with security training;
- Limit Remote Access to what is required to properly function;
- Prohibit staff from reusing passwords or from using passwords across multiple platforms (for example, using the same password on your network and for their personal use on sites such as LinkedIn).

To mitigate loss and damage as a result of a Cyber event, the quicker the response the better the chances of recovery.

Cyber Risks Insurance Policies provide access to rapid response incident services and expert cyber security and forensic professionals.

Summary

COVID-19 has created a lot of uncertainty for businesses, their employees and clients.

During this difficult period, taking the appropriate steps to identify, control and mitigate risks can help protect against the spread of COVID-19 and safeguard the health and safety of all persons within the workplace, as well as ensure compliance with one's legal duties and reduce the potential for legal liability claims and opportunistic cyber-attacks and breaches.

For more information contact Westland Insurance

 BC 1-800-899-3093 | Prairies 1-888-259-2747

 ContactUs@westlandinsurance.ca

 westlandinsurance.ca/bc/covid19/business-best-practices

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