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COVID-19

Returning to Work – General Liability Considerations

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Today's Speakers



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Several Other Webinars of Interest

- May 5 – Employee Privacy and Company Data
- May 6 – Return to Work: Environmental Safety Considerations
- May 13 – Return to Work: Employment Considerations
- May 7 – Insurance Considerations
- March 30 – Supply Chain Disruptions (recorded – available now)

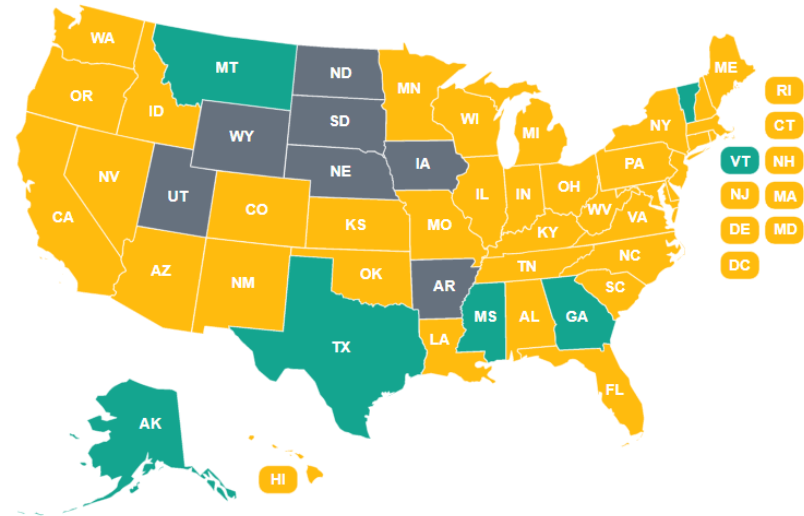
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States are Allowing Businesses to Reopen

COVID-19 BUSINESS CLOSURE/REOPENING ORDERS

A 50 State Interactive Guide to Essential/Non-Essential Business Closure/Reopening Orders

- States vary - monitor the situation
 - Nationwide trends
 - Visit stateclosures.com for 50-state updated list
 - NC status
 - SC status
 - <https://governor.sc.gov/executive-branch/executive-orders>
 - <https://www.sccommerce.com/>
 - GA status



Deciding Whether to Reopen

- If you are a business that falls into one of the categories that is permitted to reopen, what are some of the general considerations you should make before deciding whether to do so?
 - Liability concerns
 - Employee concerns
 - Operational concerns
 - Brand/reputation concerns



Deciding Whether to Reopen

- Consumer facing businesses – consumer gets sick, employee gets sick.
- Industrial and manufacturing – employee gets sick.
- Office-based companies – employee gets sick or client of the business gets sick from being on premises.

Deciding Whether to Reopen

- Benefits to reopening? Risks to not reopening?
 - Revenue, help economy
 - Able to employ more people potentially
 - Productivity
 - Innovation
 - Streamline communication channels with in-person interactions
 - Physical work and required tools
 - Access to testing
 - Access to data infrastructure
 - Access to equipment
 - Computer power, data privacy
 - People – social outlet, part of a team
 - Liability for not reopening? Shareholder suits? Suits from furloughed employees?



Deciding Whether to Reopen

- Risks to reopening? Benefits to not reopening?
 - Employees get sick, customers get sick, third parties get sick
 - Contribute to overload of health system/spread virus
 - Potential for poor public perception if returning too early
 - Reduction in lost time due to commutes
 - Some employees more productive at home
 - Lack of childcare or eldercare options
 - Mental health issues for employees of returning too soon



Checklist: Possible Retail Modifications

- Health and safety protocols
- Regular disinfecting protocols
- Hand sanitizer available to employees and guests to encourage hygiene
- Frequent cleaning of high-touch items like door handles, credit card terminals, computers/tablets, etc.
- Temperature screening for employees
- Social distancing protocols and posting reminders to employees and guests
- No-touching policy (no handshakes, hugs, or other close contact)



Limiting Usage of Space to Socially Distance

- Limiting the number of guests allowed into the store based on the square footage of the establishment
 - For example: Stores with less than 7,500 square feet limit the number of customers in the store at one time to five; stores with more than 7,500 square feet but less than 25,000 square feet limit the number of customers in the store at one time to 10; stores with more than 25,000 square feet but less than 50,000 square feet limit the number of customers in the store at one time to 50.



Potential Changes to Manufacturing Plants

- May want to change shifts
- Run more shifts with fewer employees
- Close or restrict break rooms and public spaces
- Masks and other PPE where spacing not workable
- Will be plant/process specific



Best Practices for Limiting Liability When You Do Reopen

- If you decide to reopen, what are some best practices?
 - Prepare the workplace (plant, warehouse, building, office space) – PLAN
 - Limit liability with your employees – COMMUNICATE
 - Draft and implement written policies – Update frequently – DOCUMENT
 - Cleaning, Visitors, Screening, PPE, Social Distancing, Work From Home, Travel
 - Waivers?



COVID-19 Resources

Resource Hub



To help you navigate the crisis, we are sharing actionable content on our [COVID-19 Resource Hub: Navigating the Legal Challenges of COVID-19](#). This is the best place to find fresh perspectives and insights from Womble Bond Dickinson (US) attorneys on a real time basis.

Weekly Digest



Each Friday, we are sending a COVID-19 Weekly Digest email on summarizing articles, alerts, webinars and other insights in an easy to browse format. To receive our COVID-19 Weekly Digest and general COVID-19 alerts, [please subscribe here](#).

YouTube Playlist



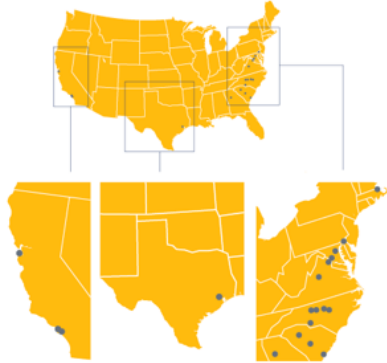
Our dedicated YouTube playlist for COVID-19 content can be accessed [directly here](#). This is where you can find recordings of prior webinars as well as other video insights related to the pandemic.



Womble Bond Dickinson at a glance



27 Locations
across the
US and UK



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Baltimore
Washington, D.C.
Tysons Corner
Charlottesville
Raleigh
Research Triangle Park
Greensboro
Winston-Salem
Charlotte
Greenville
Columbia
Charleston
Atlanta
Houston
Silicon Valley
Los Angeles
Irvine



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Aberdeen
Edinburgh
Newcastle
Leeds
London
Southampton
Bristol
Plymouth

Consolidating
our national
reputations and
regional heritage
under one powerful
transatlantic brand



More than
400 Partners
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Representing
more than

300

Publicly Traded
Companies
in the US and UK



+150
Chambers
rankings



UK Top
20 Law firm



US Top
80 Law firm



Global
Top 100
Law firm by
revenue



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