

Getting Ahead of the Coronavirus Outbreak: A Checklist for Multinational Employers

The Novel Coronavirus (2019-nCoV) has been declared a global emergency by the World Health Organization, as the outbreak continues to spread outside China.

It raises challenging issues for employers, particularly those that have multiple locations, provide a variety of services, and employ a global workforce that may travel routinely for business. For employers who have lived through prior global pandemics, now is the time to revisit preparedness protocol and re-evaluate the same for changes in locations of workforces and evolution in local laws.

For those who are new to the scene, planning for and responding to a potential pandemic requires that multinational employers focus on three key issues: (1) how to maintain a safe workplace; (2) how to maintain operations in the face of a pandemic; and (3) how to minimize exposure to potential liabilities that may result.

Are you prepared? Here is a suggested macro-checklist for multinational employers designed to help:

Maintaining a safe workplace

An employer's first priority is to protect the health and safety of its workforce. Employers should take the following specific steps to reduce employee exposure to the virus, and to minimize the likelihood of its spread:

- Find the workforce.**
 - Work with HR/people functions to identify exact locations of current employee populations, including employees travelling.
- Appoint a coordinator.**
 - The coordinator, or a group of cross-functional coordinators, should be responsible for tracking the latest developments, reviewing guidance from any governmental agencies and who can be a point of contact for concerned employees.
- Understand employer obligations in each affected jurisdiction (which will change).**
 - Review applicable government health alerts and requirements for reporting.
 - Review local laws on employee privacy, association, potential for discrimination and leave/benefit/wage & hour entitlements. Remember that the balance between privacy and public health is achieved differently in different countries, but as viruses spread, those restrictions are often relaxed. For instance, primarily due to data privacy laws, employers in most of the EU generally may not notify health authorities that an employee has been infected.
 - Coordinate internally to develop employee communications and plans. Frequent communications with employees and their families is critical. Keeping in contact with official or governmental bodies such as the US State Department or the British Foreign and Commonwealth Office (FCO) will be essential to ensure the latest updates are available and to ensure employees are aware of any national

contingency plans.

Get managers on board.

- A company's managers are the first-line communication and response team. Give them the information and organizing principles they need to effectively lead in this type of situation.

Address business travel concerns head on.

- Companies whose business involves travel by its workforce into areas where the virus is particularly active should immediately try to establish customer contact or business contact through other means, e.g. teleconference, webinar, or videoconference. Businesses with employees who are working overseas or who are traveling should track travel and health restrictions to allow the company to move quickly in response to concerns these employees may have.

Share information from the relevant health authorities on how to prevent the spread of the virus.

- In the US, for example, the CDC has shared prevention and treatment guidelines.

Maintaining operations in the face of a pandemic

Employers must plan to support the business with a greatly reduced or limited workforce in certain locations. Most large companies have contingency plans to deal with emergencies such as loss of electricity, utilities, or transportation access to their facility. In the case of a bona fide pandemic, however, employers may be faced with problems that literally stretch across the business spectrum. Utilities may shut down or reduce operation, the workforce may be unable or unwilling to enter a facility, and local or national government actions may greatly restrict business options to maintain operations. Employers should:

Identify the key positions and functions essential to sustain business continuity.

- Develop plans to enable these functions and personnel to continue working, possibly through remote operations.
- Identify and, if necessary, cross-train back-up personnel to ensure critical functions are not compromised.

Identify contact information for key suppliers, utilities, and local and national governments.

- Keep this "list" available and updated so that the company can both advise them of steps it is taking to mitigate the effects of a pandemic, as well as make requests for assistance, if necessary.

Consider employment law implications of a shutdown, and of asking certain employees in the affected areas to work remotely if feasible to reduce the potential transmission of the virus.

- Understand that wage and hour obligations are triggered, even in a pandemic. Employer obligations to provide pay during a shut-down will vary by jurisdiction.
- Before implementing any changes to the terms and conditions of employment, employers should be aware of the laws and regulations of the applicable jurisdiction, including any duty to consult with unions, work councils or other employee representative bodies, and government agencies.

Minimize exposure to potential liabilities that may result

Review all legal obligations.

- Know in advance what the employer can and cannot do with respect to employees, suppliers and customers in the event of a cutback or shutdown of operations.

Review all vendor and client contracts.

- Determine whether the contracts impose any reporting obligations on the company with respect to communicable diseases/viruses. Some third parties do in fact require companies to report if certain infectious diseases have entered their workforce.

Review insurance coverage.

- Confirm that policies provide the right types and levels of coverage for crisis situations and are responsive to any changes in the business. Coverage and service levels can vary dramatically, and employers need to ensure the losses they are seeking to guard against (e.g., pandemics) are covered. Likewise, employers should determine whether policies in fact cover the individuals they want covered, including independent contractors or local nationals.

The key message for any employer is to be prepared to act swiftly. Utilize public health and government resources for information, contact your health and safety offices and vendors and run preparedness and procedures by legal counsel to ensure compliance with the law while protecting the company's workforces, wherever they may be. This is a stressful time for employees in the affected areas. Ensuring that your employees have a point of contact and being ready to address their questions and concerns in their specific jurisdictions can go a long way to minimize the disruptions to your operations.