

Principles for a Successful Return to the Workplace

May 18, 2020

What follows is our current thinking about the return to the workspace. It is not intended to be, and is expressly not, legal advice. It is, instead, our working guide to how workplaces can responsibly re-open in the midst of an unresolved health emergency.

The COVID-19 pandemic has forced us to reevaluate almost all areas of our life, including redefining the employment relationship. Our return to the workplace, like our return to society, must be structured around collective responsibility for maintaining a safe physical work environment. This shared responsibility will define our workspaces and routines for the foreseeable future.

*In furtherance of this directive, in accordance with CDC Guidelines, and in accordance with recommended state and local approaches to re-opening businesses in response to the COVID-19 pandemic, you should incorporate four principles into reopening your workplace: **(1) Hygiene; (2) Pre-work Screening; (3) Physical Distancing; and (4) Face Coverings**. These principles should be developed into written policies to suit your specific workplace environment. Those policies should be distributed to employees and reinforced with remote trainings **prior to** employees' returning to the workplace.*

*Enforcement of these principles is critical to avoid infection in your workplace. Emphasize to your employees that each has a personal responsibility to maintain a safe environment in the workplace. Inform employees that failure to comply with **all four of these principles** may be grounds for discipline up to and including termination—and then discipline those who do not comply. Each principle has limitations but they are effective at protecting workplaces when implemented together. Considerations for applying these principles to your workplace are laid out below:*

(1) PRE-WORK SCREENING

- **Stay-Home Criteria:**

Employers should set the clear expectation that anyone who thinks that they may have, or may have been meaningfully exposed, to COVID-19 should not go to work. Different employers may choose different standards by which to accomplish this, but the policy needs to be clear for the protection of those who do go to the office or worksite.

At a minimum, employees should be instructed to stay home if they are not feeling well or are experiencing any symptoms associated with COVID-19, including a new fever, cough, sore throat, shortness of breath, loss of taste or smell, or nasal congestion or a runny nose.

Following any such episode, employees must receive clearance from a healthcare provider before returning to work.

Employees sharing a household with someone sick with COVID-19 should also be instructed to stay home and only return if they are still symptom-free 14 days after their initial exposure.

- **Questionnaire:**

Before leaving their homes to travel to work, require your employees to fill out a questionnaire, electronically, confirming that they do not meet any of the stay-home criteria. Employees should only be allowed to come to work if they pass this screening protocol.

Clients or customers seeking to enter the workplace must answer these same screening questions in order to enter the premises.

Encourage employees to view staying home as taking care of others and not as some admission of defeat or failure. This requires a fundamental attitude shift and will demand clear communication and leadership.

- **Temperature Taking:**

Employees may be required to submit to on-site temperature screenings or to take their temperatures at home prior to coming into the workplace. Employees with a temperature in excess of 100°F should not enter the workplace.

- **Enforcement:**

It is critical to emphasize to your employees the importance of following all screening protocols in earnest. Emphasize that they **will not** be penalized for staying home—but that they **will** be penalized or even terminated if they knowingly come into work while meeting any of the stay-home criteria and/or knowingly provide false responses to the questionnaire.

If an employee appears sick upon arrival at work or becomes sick during the day, they should be separated from other employees and visitors and be sent home. Employees should be instructed to inform their supervisors if they feel unwell during the day.

Continue to make remote work options available to employees to the extent possible. Maintain flexible leave policies and practices.

- **Exposure:**

Employers should have a clear policy around notice in the event of an infection in the community. In the event of exposure, you should notify individuals who may have been in contact with the sick person and instruct those individuals to stay home for 14 days and self-monitor for symptoms. Inform employees of this policy as part of the remote training you provide.

(2) HYGIENE

- **Handwashing/Hand Sanitizing:**

Instruct your employees to wash their hands with soap and water for at least 20 seconds, or use hand sanitizer with at least 60% alcohol, often (the best advice suggests approximately ten times a day).

Key times for employees to clean their hands include: (1) upon entering and leaving different group environments; (2) every 2 hours when within group environments; (3) after blowing their noses, coughing, or sneezing; (4) after using the restroom; (5) before eating or preparing food; and (6) after putting on, touching, or removing face coverings. Employees should avoid touching their eyes, nose, and mouth with unwashed hands.

Ensure that you provide your employees with sufficient access to soap and water and/or hand sanitizer.

- **Disinfecting Surfaces:**

Establish a cleaning protocol for your workplace that ensures high-touch areas such as doorknobs, restrooms, and other common areas are disinfected every day.

Provide employees with supplies to clean their workspaces and instruct them to do so at least before and after each use and throughout the day as needed.

(3) PHYSICAL DISTANCING

- **Limit Movement and Interaction:**

Stagger arrival/departure times in order to minimize contact. Instruct your employees to remain at their work stations as a default unless their presence is required elsewhere. Emphasize that handshaking and physical contact of any kind is strictly prohibited. Employees should be instructed to minimize interaction with clients/customers to the extent possible.

Within the office – consider one-way hallways, closing kitchens (or developing rules on capacity), assigning restrooms or otherwise limiting occupancy, adding signage or floor marking to underscore these new rules.

- **Six feet apart:**

Employees must be able to remain at least six feet apart from each other at all times. To the extent meetings or other activities would make this challenging or impossible, they should be conducted via video-conferencing, with employees participating at their desks.

- **Elevators:**

Elevator capacity should be established based on physical distancing – people must be able to maintain an appropriate distance as they move between floors. Ensure that elevator buttons are disinfected frequently throughout the day.

- **Barriers:**

In areas or work stations in which face-to-face encounters are unavoidable, erect plexiglass barriers between employees—and/or between employees and customers if this applies to your workplace.

(4) FACE COVERINGS

Reinforce to your employees that the above-identified principles will only be effective if everyone in the workplace also wears a mask or otherwise covers their face.

Employees should be instructed to bring and wear masks to work, but masks should also be made available for anyone who does not have one. You should maintain a supply of masks to allow you to provide one mask to each employee daily if needed. Require anyone entering the workplace—customers or other visitors—to bring and wear a mask and put up signage to this effect. Require employees to wear masks in all common areas, and at all times in open-plan workplaces.

Employees may remove face coverings in their personal spaces so long as no one will be within 6 feet of them. All persons must, however, wear face coverings if they anticipate the possibility of crossing paths with another person.

Emphasize to employees that their compliance with the mask protocol you develop is critical. Failure to comply with the protocol may be grounds for discipline or termination.

Taken together, these steps promise a changed, but functional workplace. They offer hope for productivity during the pandemic and they demonstrate a level of care that should build trust in the workplace. Underlying these concepts is the realization that our collective safety depends on individual actions and that employers should adopt policies that encourage responsible conduct.

Additional Reading:

[COVID-19 Safety Checklist for Reopening Your Workplace](#)

[Model Screening Questionnaire](#)