



# Returning to the Office – What to Consider

June 2020



## COVID-19 UPDATE

David Green, co-founder of The Strategic Partner, and preferred risk management consultant of Paragon, has written a White Paper on the process and steps law firms might consider in their approach to returning to the office following the remote working environment introduced by the Covid-19 restrictions.

All firms, regardless of size and location, have been affected in some way, shape or form as a result of Covid-19. David explores these affects in his White Paper and addresses how your firm might approach this uncharted journey.

## INTRODUCTION

As law firms start to return, or consider a return, to the office there are additional requirements and responsibilities of employers to consider. A failure to address these concerns could lead to serious issues arising.

The most pressing and immediate issue for firms to consider is operating in the office and fulfilling a firm's obligations to keep their employees safe. Employers need to be aware of the regulations and under the *Employment Rights Act 1996*, employees have the right to leave the workplace or refuse to carry out any unsafe tasks if they feel they are in "serious imminent danger".

Employers have a legal duty to consider health and safety and failure to do so, in extreme cases, can render an employer liable to prosecution and with the death rate in vulnerable people being much higher this could be more of a reality now than ever before for office-based employers and employees.

The return to the workplace has been widely debated and discussed as the issues that could arise are serious and potentially damaging to employers – this includes law firms.

Whilst most law firms are set up in the same way, each office will be different in terms of the space that is available to allow for social distancing and ensuring staff are kept safe.

People will naturally be nervous about a return to work. It is important to remember that the steps a firm takes should be centred on installing confidence as much as they are about actually protecting employees. The last thing any employer wants is to have to address staffing issues in such times; avoiding these will be possible through effective planning and communication.

## CONSIDERATIONS

Much of the below will require you to speak directly with your employees as some of the answers may not be immediately obvious or available to you. However, part of the process of engagement is to communicate with your staff.

Numerous options remain available to employers which will include:

- Maintaining home working for some staff
- Keeping appropriate staff on furlough
- Considering different working patterns to reduce people being in the office at the same time

Some of the questions and issues an employer should address as part of its risk assessment to satisfy legislation and your staff are:

**Identify vulnerable employees** – Do you have employees that are vulnerable? If so, what additional considerations must be taken into account? It may be that the firm and at risk employees simply cannot take the risk of returning to the work. Therefore, continuing to work from home or furlough may be the only options. The classification of high risk is:

- Have had an organ transplant
- Are having chemotherapy or antibody treatment for cancer, including immunotherapy
- Are having an intense course of radiotherapy (radical radiotherapy) for lung cancer
- Are having targeted cancer treatments that can affect the immune system (such as protein kinase inhibitors or PARP inhibitors)



- Have blood or bone marrow cancer (such as leukaemia, lymphoma or myeloma)
- Have had a bone marrow or stem cell transplant in the past six months, or are still taking immunosuppressant medicine
- Have been told by a doctor they have a severe lung condition (such as cystic fibrosis, severe asthma or severe COPD)
- Have a condition that means they have a very high risk of getting infections (such as SCID or sickle cell)
- Are taking medicine that makes them much more likely to get infections (such as high doses of steroids)
- Have a serious heart condition or are pregnant.

Remember that you should also take into account if someone is living with a vulnerable person.

**Employee questionnaire** – Consider giving each of your employees a questionnaire to gather information and intelligence about them and their feelings towards returning to work. Once you have collated this information you can start to address issues, discuss solutions and liaise with your staff – setting rules and boundaries to protect them. These discussions will help make decisions for individuals in terms of whether they should return to the office and work, continue to work from home or continue on furlough.

The Strategic Partner has prepared employee questionnaires that your firm can develop to fit your environment. For information on these questionnaires please contact us using the details at the end of the article.

**Identification** – Identify the activities and ‘hot spots’ in the office that could lead to the spread of the virus. Is it possible to keep the Governments guidelines of keeping two metres apart? Issues to consider:

- Is it possible to have one entrance for entering the office and another for exiting?
- Do you have shared facilities such as a breakout room or kitchen? If people will be allowed to use them how will you control potential transmission? If that is simply not possible, do they remain closed?
- How will you control meeting rooms and their use?
- Do you have open plan areas where staff work and if so, can adjustments be made to ensure a safe distance is maintained at all times?
- Can you make physical changes such as putting up screens between desks and at reception? What might the cost of this be?

- As you undertake your risk assessment it is essential that you make a record and document the activities. This will become the risk management log that actively demonstrates the steps you have taken to protect the employees of the firm.

The Strategic Partner has prepared an outline risk management questionnaire that your firm can use as a template. Again, for information on this questionnaire please contact us using the details at the end of the article.

**Staggered Hours** – How practical is it to stagger start and leave times for employees and how can the office stay open for extended hours? Consider the implications of lone workers and how that will be managed if you allow this.

**Physical Demarcation** – Are you able to use tape to assist people with keeping two-metre distancing? This will help to demonstrate how practical this is. With smaller offices and areas, can you assign one person to each desk or share on different days and times (ensuring the person that leaves cleans the workspace).

**Necessity** – Is it necessary to return to work and what is the reason for requiring a return? Can the employee work effectively from home and have they been able to demonstrate this through the lockdown period? If so, do they need to return now?

**Travel** – How do your staff get to work, and will they need to rely on public transport? If so, what is the risk of them bringing the virus into the office?

**Clients** – Will you allow client meetings and if so, what will be the process of bringing them into the office and meeting with them? Is it possible to keep distance? Will you ask clients to complete a questionnaire before attending the office to ensure you are happy for them to attend?

**Equipment & Facilities** – What equipment can you provide for the staff to use when they are in the office, for example:

- Do you have access to PPE, or will you require employees to bring their own? When will they be expected to wear items such as face masks?
- Cleaning wipe or sprays – consider leaving cleaning supplies in common areas, such as meeting rooms and near exits, where people will use the door handles.
- Can you obtain and distribute hand sanitiser either individually or at strategic locations around the office?

**Cleaning** – give guidance to your staff on how often to clean and importantly review your professional cleaning contract. Do you need to increase the number of professional cleans; do your cleaners have the resource for this?



**Signs** – Acquire or make signs reminding people of the rules you have applied. For example:

- Washing hands regularly
- Cleaning surfaces they have touched (including workstations)
- Using hand sanitisers
- Which entrances and exits to use
- How many people are allowed in a lift at one time.

**Movements** – Staff should be encouraged to reduce their movements around the office. Think about whether they need to leave the space allocated to them and how they can reduce or minimise the number of trips they make around the office.

**Notifications and Action** – How will the staff be able to inform you of any issues they may have? Particularly if they are unable to attend the office due to the need to self-isolate / notify others that they have contracted Covid-19. What action will you take on receipt of this notification?

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## CONCLUSION

By the time you have read this article you may have been put off the prospect of re-opening the office and bringing employees back to work! However, re-engaging with industry will be an important step for all businesses. The focus here is to be sympathetic to the crisis and protect your firm, its employees, and clients by taking additional necessary precautions that encourage industry re-engagement.

If you have any further questions in regard to the above, Paragon, The Strategic Partner or the firm's approach to risk management more generally, please get in touch using the details below.

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