



Protecting Your People and Organization when Returning to In-Person Work

Kathy Bakich, Diane McNally & Tami Simon / August 18, 2021

Today's Panel



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| Agenda

Returning to work safely

Legal risks and considerations for employers

Mitigating business risk

This presentation is for informational purposes only and does not constitute legal, tax, insurance or investment advice. You are encouraged to discuss the issues raised here with your legal, tax, insurance and other advisors before determining how the issues apply to your specific situations.

Returning to Work Safely



Physical

The safety and protection of personnel to improve health and reduce violence, accidents or damage.



Emotional

The emotional, mental, and psychological support of employees that help develop confidence, commitment and capabilities.



Financial

Programs aimed at helping employees be and feel financially secure for daily living expenses, emergencies, and future financial goals.

Physical Safety

- OSHA compliance
- CDC compliance
- Health benefits
- Workspaces
- Ergonomics
- Commuting
- Workplace violence
- Workers' Compensation



Emotional Safety

- Mental health benefits
- Employee assistance programs
- Business resource groups
- Caregiver support
- Manager training
- Burnout awareness
- Engagement strategy
- Diversity, equity and inclusion
- Social connection



Financial Security

- Competitive wages and other financial rewards
- Paid time off
- Emergency savings
- Financial literacy
- Debt support
- Asset allocation and growth
- Retirement savings
- Education support and savings
- First home programs



Poll #1

Physical / Emotional / Financial

Has your organization addressed physical, emotional and financial safety with respect to returning to work?

- All of the above
- Some of the above
- None of the above

Where to start?

- Scenario planning
 - Flexibility and resilience continues to be key
- No uniform practices, yet...work with your legal advisors
- Internal communications strategy

Next up:

Legal risks and considerations when designing/refining your return to work strategy



Legal risks and considerations for risk mitigation

Key risk considerations for employers

- Litigation
 - Individual/Class Action
 - For instance: Wrongful termination; Unsafe workplace; Pregnancy Discrimination Act; State Human Rights and Civil Rights laws; Americans with Disabilities Act; Retaliation; FMLA; Remote work; Leave policies
- Audits
 - Enforcement by Government Regulators such as the Equal Employment Opportunity Commission, Occupational Safety and Health Administration, Wage and Hour, and state regulators



Litigation

- Failure to provide a reasonable accommodation
 - In worksite, remote policies, testing and vaccination policies
- Updated leave policies
 - Taking care of family, leave for COVID-related illnesses, laws may differ by geographies
- Returning to in-person work
 - Providing a safe workplace, employee requests for modification
- Constructive discharge

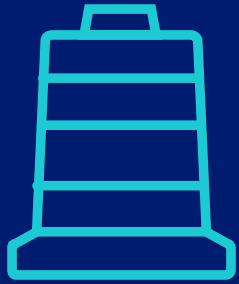


Poll #2

Has your organization taken a position on vaccine mandates?

- Mandated vaccines for all workers
- Asked for an attestation of vaccination status
- Does not plan to mandate vaccines until approved by the FDA
- Does not plan to ever mandate vaccines
- Still deciding

Vaccine mandates



**A moving
target**



**Vaccine
mandate policies**



**Litigation
and claims**

Risks associated with the evolving role of employee benefits



Wellness incentives

- Financial incentives or not?

Telemedicine

- Temporary or permanent?

Mental health

- Don't let your good deeds get punished

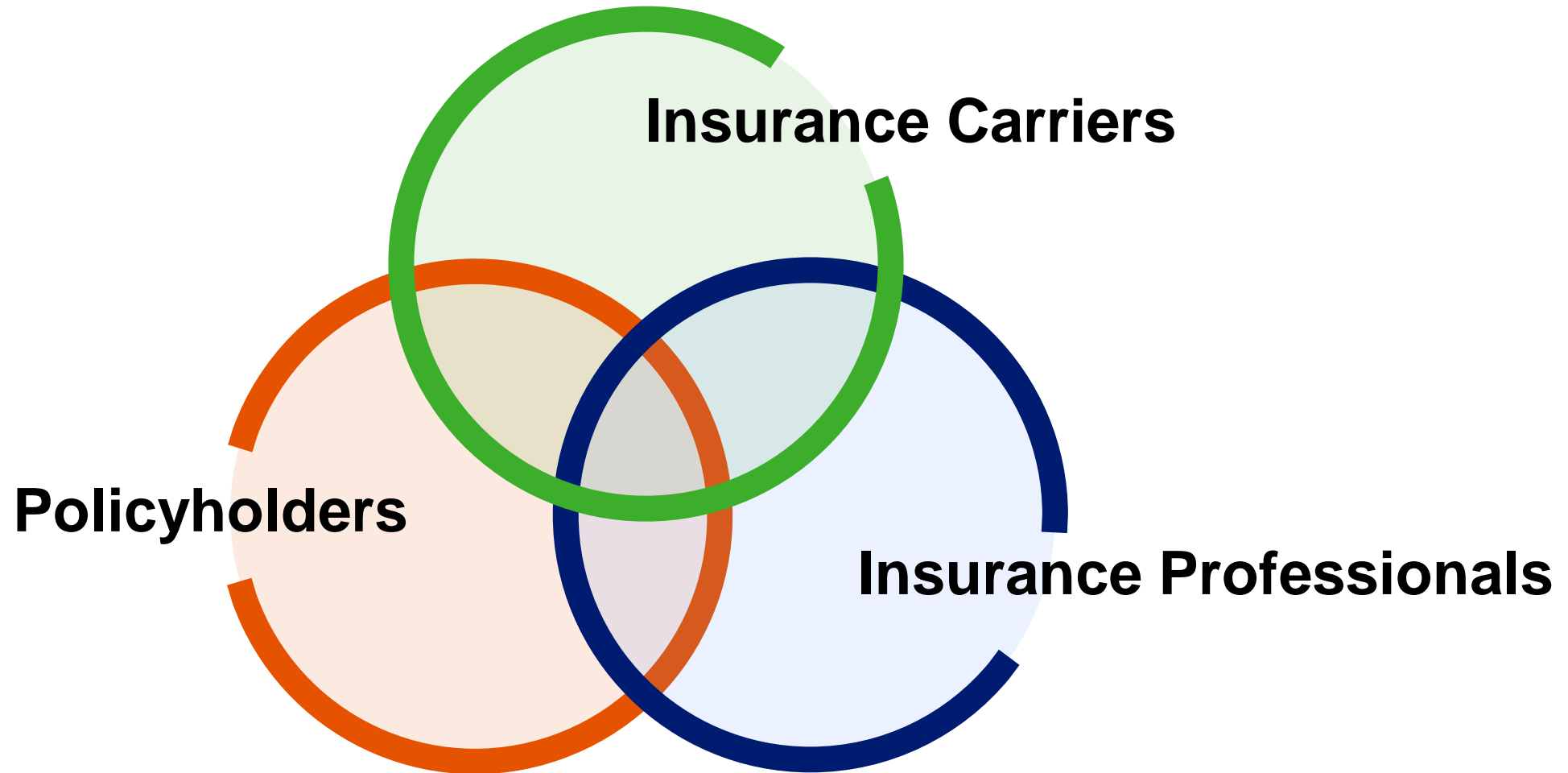
Benefits equity

Next up:

Ways employers can mitigate internal and external risk

Navigating a Changing Insurance Landscape

It Begins with your Insurance Relationships



Insurance is Adapting to New Work Environments

- Increased risks and changes to the COVID concerns could affect return to work office plans
- Business models continuing to reevaluate digital resources, online tools, maintaining flexibility and focus to support insureds and company employees



Insurance is Adapting to New Work Environments

- Many insurance insurers and professional firms have also migrated and effectively adapted to the changing work environment
- Increased virtual meetings help policyholders keep current with insurance professionals, underwriters, risk control, legal and claim personnel



Evaluating Your Insurance Portfolio



Enterprise Risk Planning



Poll #3

Has your organization recently (re)evaluated its insurance portfolio?

- Yes
- No
- In progress
- I don't know

Resources

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Webinars and Events | April 22, 2021

Insurance Industry Outlook for 2021

The COVID pandemic and other events of 2020 left an impact on the insurance market that can't be overstated. Many carriers have tightened the requirements when it comes to writing new policies, extending coverages, raising limits or even renewing policies. Naturally, claims increased because of the disruptions. So, what does this mean for employers and plan sponsors?



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This webinar which took place on April 22, 2021, examined trends seen among the insurance markets and looked ahead to where the insurance market may go next in 2021.

<https://www.segalco.com/consulting-insights/insurance-industry-outlook-2021>

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Articles | August 3, 2021

Remote Work Policy for the Long Haul

In 2020, remote working leapt from the fringes of acceptability to land squarely in the mainstream. While restrictions imposed by the pandemic are receding, the remote work genie will be impossible to put back in the bottle. Much of the workforce now expects their employers to give them the option to work from home at least some of the time, and organizations will need to adapt to this new mindset to retain and recruit top-tier talent.



Get the Guide

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Last Name

Email Address

This downloadable guide walks you through the questions your HR department needs to answer when putting

<https://www.segalco.com/consulting-insights/remote-work-policy-guide>

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Articles | November 19, 2019

Social Engineering Fraud (SEF): Is Your Plan at Risk?

Has your plan experienced financial losses related to social engineering fraud? When cybercriminals assume the identity of a trusted individual in order to deceive people into providing confidential, personal information or property, your plan is at risk.

Listen to Diane McNally and Candice Germain discuss:

- What SEF is and what it means for your plan
- How real-world SEF examples can help manage your plan's risk
- What your plan can do about SEF today

Get a complimentary assessment of your plan's insurance coverage. Segal Select Insurance will review your policy and, as applicable, use our comprehensive benchmarking database to tell you how your limit of liability and premium costs compare to the market.

<https://www.segalco.com/consulting-insights/social-engineering-fraud>

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Compliance News | January 14, 2021

New Law Strengthens Parity for Mental Health and SUD

The extensive Consolidated Appropriations Act, 2021 that includes additional COVID-19 relief also introduced important new compliance requirements related to mental health parity and substance use disorder (SUD) benefits.

The law amends the Mental Health Parity and Addiction Equity Act (MHPAEA), requiring sponsors of group health plans to perform and document comparative analyses of the design and application of nonquantitative treatment



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Compliance News | March 3, 2021

Additional Federal COVID-19 Guidance on Testing and Vaccines

On February 26, 2021 the Departments of Labor, Treasury and Health and Human Services issued FAQs regarding COVID-19-related benefits provided under the requirements of the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act.



Plan sponsors should review their coverage of diagnostic testing and vaccines to ensure benefits are being provided consistent with this federal guidance.

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Articles | June 29, 2020

Priorities in Focus: Your COVID-19 Response Framework

Organizations of every stripe — corporations, institutions of higher education, the public sector entities — are struggling to manage COVID-19's disruptions to daily life.

We've created a series of COVID-19 response frameworks to help you prioritize your workforce responsibilities for today, tomorrow and beyond.



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Q&A

