



AGC
THE CONSTRUCTION
ASSOCIATION

AGC COVID-19 WebEd Series, Part IV

March 26, 2020

Protecting Your People & Your Projects

As COVID-19 Spreads Across the United States

Speakers



Kevin R. Cannon, CSP
Senior Director, Safety
& Health Services
AGC of America



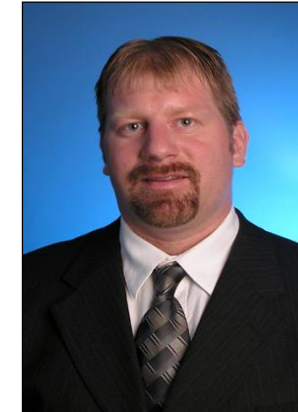
Howard A. Mavity
Partner, Atlanta
Fisher Phillips



William Powell, III, CHST, CRIS
Regional Safety Manager, Ohio
Donley's Inc.



Rocky Rowlett, CSP
Vice President of Safety
Faith Technologies
Lenexa, KS



Dale G Dhooge, MIS, CSP
Vice President Risk Control
Willis Towers Watson
Minneapolis, MN

Outline



- Industry Obligations (Steve Sandherr)
- Regulatory Update (Kevin Cannon)
- Legal Aspects (Howard Mavity)
- General Contractor Perspective (William Powell)
- Sub-contractor Perspective (Rocky Rowlett)
- Industry Practices (Dale Dhooge)

CONTINUING CONSTRUCTION OPERATIONS DEMANDS SAFE WORKSITES



- Safety is the primary concern of every construction project
- AGC and our chapters have been mostly successful in ensuring that construction operations continue
- Federal, state, and local officials have relied on our communications that social distancing, use of PPE and monitoring who enters your jobsites creates a safer environment than exists in other industries
- For the most part, construction unions support continued work IF safe practices are maintained

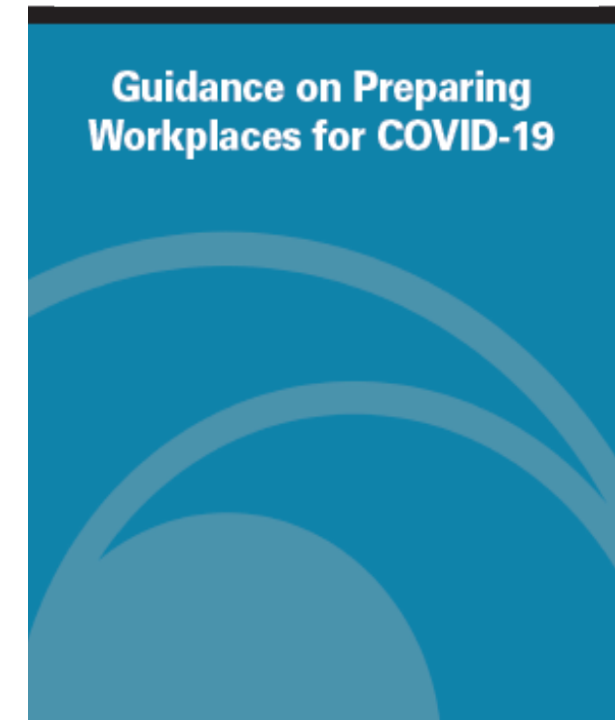
CONTINUING CONSTRUCTION OPERATIONS DEMANDS SAFE WORKSITES



- Government officials can reverse the ability to continue to operate with the stroke of a pen
- Every private citizen with a phone is a potential public inspector
- Construction CEO's and senior execs need to ensure that safe practices are known, understood, and followed
- AGC has resources to assist in that effort and they will be shared in this webinar
- The public is counting on us to do our part to prevent the spread of COVID-19

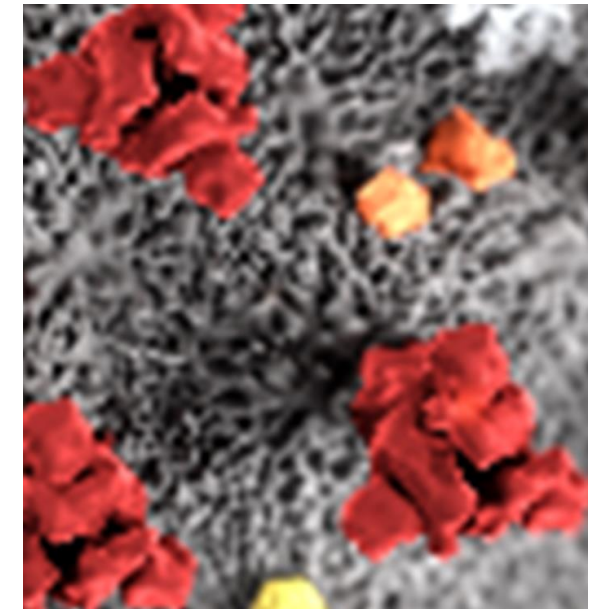
How is DOL/OSHA Responding to COVID-19?

- Issued guidance on:
 - Recording workplace exposures to COVID-19
 - AGC and industry partners
 - Preparing Workplaces for COVID-19
- Created a Safety & Health Topics Page on COVID-19
 - Links to relevant standards



AGC's Efforts to Assist Construction with COVID-19

- Created a Coronavirus (COVID-19) Webpage
 - Background Info on COVID-19
 - What COVID-19 is
 - Symptoms
 - Tips for employers
 - What to educate your employees on
 - CDC recommendations for employers
 - Planning Considerations
 - Chapter Created Resource on Recommended Practices for Construction Jobsites:
- Submitted letter to OSHA asking:
 - Re-evaluate the decision about COVID-19 recordability, and
 - Provide some flexibility in enforcement with respect to respirator use, given the shortage of respirators in the healthcare industry.



Today's Focus is On Safety, but Other Areas Affect the Risk Management.



Bad accidents and appearance could affect “Essential Business” status.

[@GovMikeDeWine](#) [@LtGovHusted](#): If you believe a business is in violation of the rules, call your health department or local law enforcement.

- From NJ Public Health Department:

How can I report a violation of Executive Order No. 107?

You can report a possible violation of [Executive Order No. 107](#)

- From Bloomberg:

They're Called Essential, But Local Food Workers Are Resisting

- From Los Angeles Times:

L.A. threatens to shut off water, power of businesses breaking coronavirus rules

Employees and unions will remember contractors who do not emphasize safety.

Today's Focus is On Safety, but Other Areas Affect the Risk Management.



- The extensive new Families First Coronavirus Recovery Act (FFCRA)'s paid sick leave and "Emergency FMLA" (EFMLA) expose contractors to new FMLA obligations.
- Unions routinely seeking reports/written responses from employers.
- Individual employees filing complaints with OSHA:
 - Nonroutine tasks.
 - Not adequately trained.
 - Inadequate PPE.
 - Shouldn't be working/exposed.

Legal Aspects



- Standard of care that the General Duty Clause of the Occupational Safety and Health Act, and perhaps the common law, require you to meet.
- Which risk zone (likelihood of employees' occupational exposure during a pandemic) does construction fall into with respect to OSHA's Guidance on Preparing Workplaces for COVID-19.
 - These risk zones are useful in determining appropriate work practices and precautions.
- Common questions that employers may have:
 - What steps can we take now to minimize risk of transmission?
 - Is COVID-19 a recordable illness for purposes of OSHA Logs?
- Recommendations for:
 - Screening/evaluating workers before they enter the project,
 - Taking Temperatures?
 - Handling suspected or confirmed cases of COVID-19
 - Cleaning recommendations/guidance,
 - Notifying employees (including subcontractor employees etc.) of suspected/confirmed cases, and
 - Return to work policies and procedures.



Initial Planning

- Internal Task force

Communications

- Employees, Clients, Subcontractors
- Daily Communications
- Training
- Protocols

What's Next?



Travel Reminders & Considerations

- Business Travel
- Faith's Self-Quarantine Requirement for International Travel
- Faith, Customer & CDC Requirements for All Travel
- CDC Exposure Risk Assessment
- Travel Advisories

Precautions & Illnesses

Essential Business Functions: Field Operations

Work from Home Policy

Emergency Temporary Leave & Benefits Policy

Willis Towers Watson COVID-19 Risk Control Protocol Sharing Survey

Dale Dhooge Risk Control

March 24, 2020

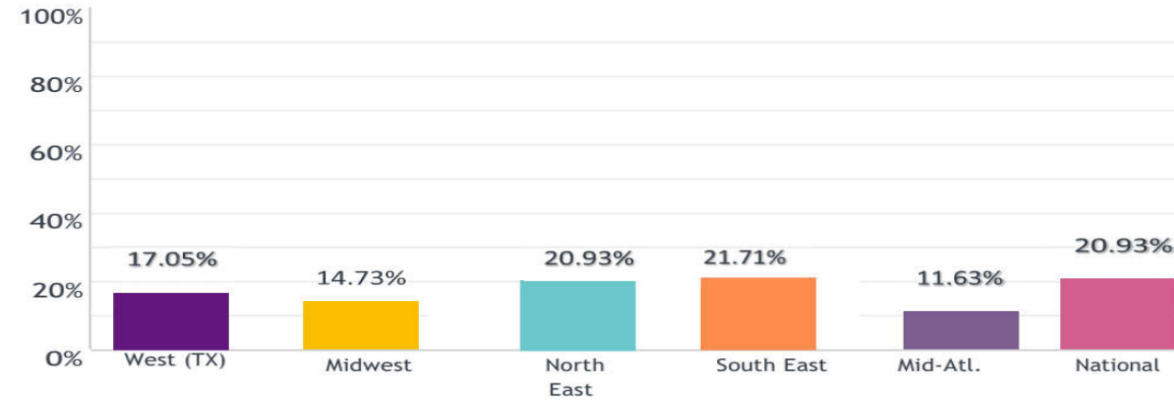
Willis Towers Watson COVID-19 Risk Control Protocol Sharing Survey

Launched Pulse Survey Wednesday March 18th results published March 20th

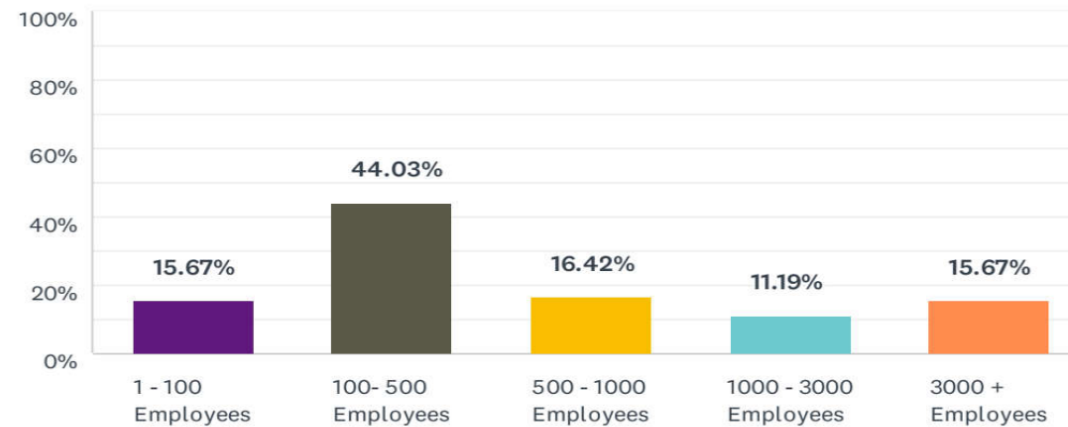
- Purpose: Willis Towers Watson wanted to achieve real-time sharing of **Common Peer Practices and Resources**.
 - Used existing WTW Construction Best Practice Survey Methodology & peer groups.
- Process: Willis Tower Watson Construction Risk Control collaborated with key customers to define needs.
 - Developed a real-time survey feedback on current COVID -19 practices. (Results shared upon completion of survey)
 - Ability to write in comment of peer practices and needs.
 - Provide / direct to existing solutions
 - Develop / share tools and resources
- In 24 hours over 150 customers responded

Willis Towers Watson COVID-19 Risk Control Protocol Sharing Survey

Q1 How do you best define the location of majority of your operations

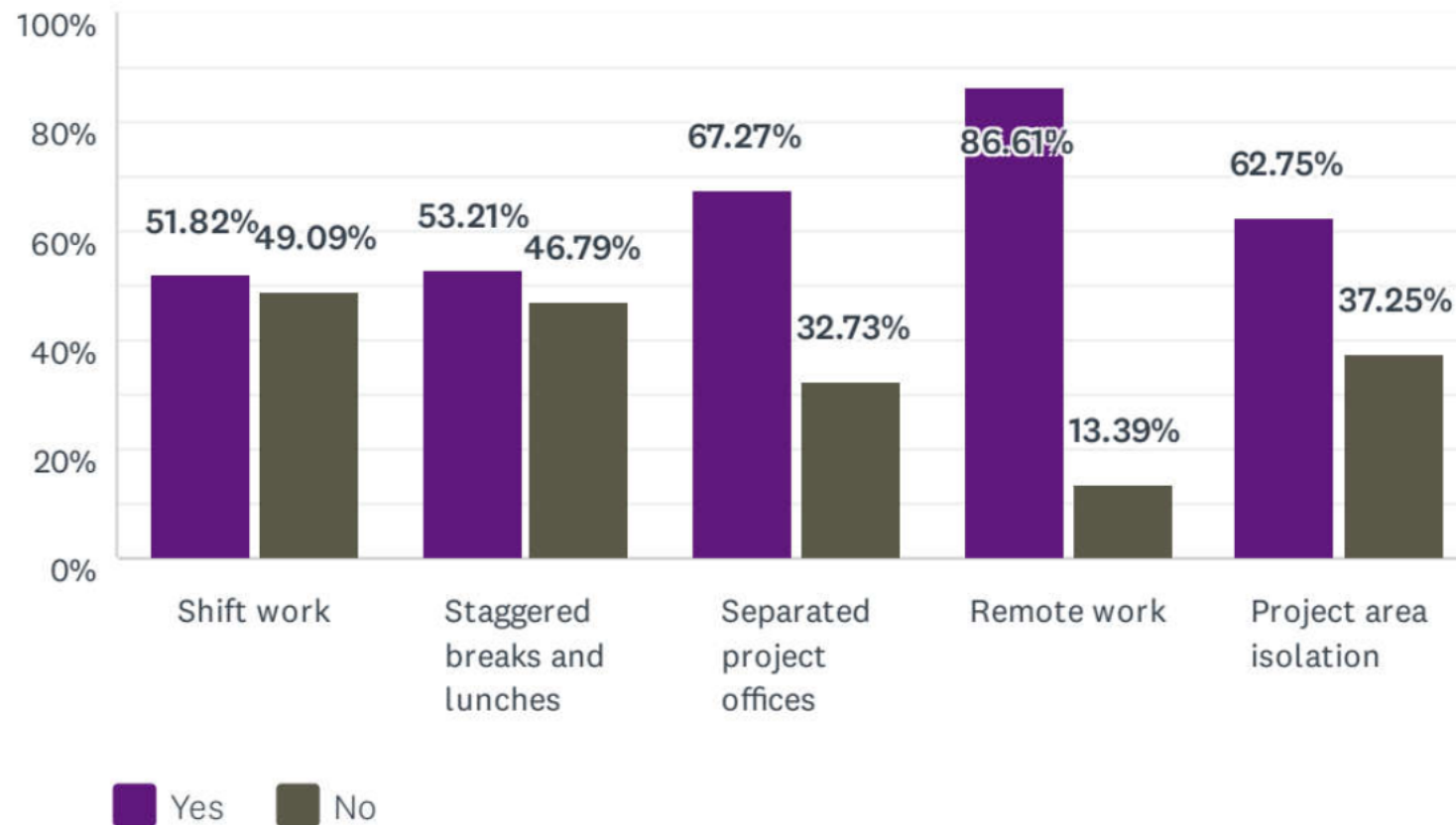


Q2 Size of your Company (direct hire employees)

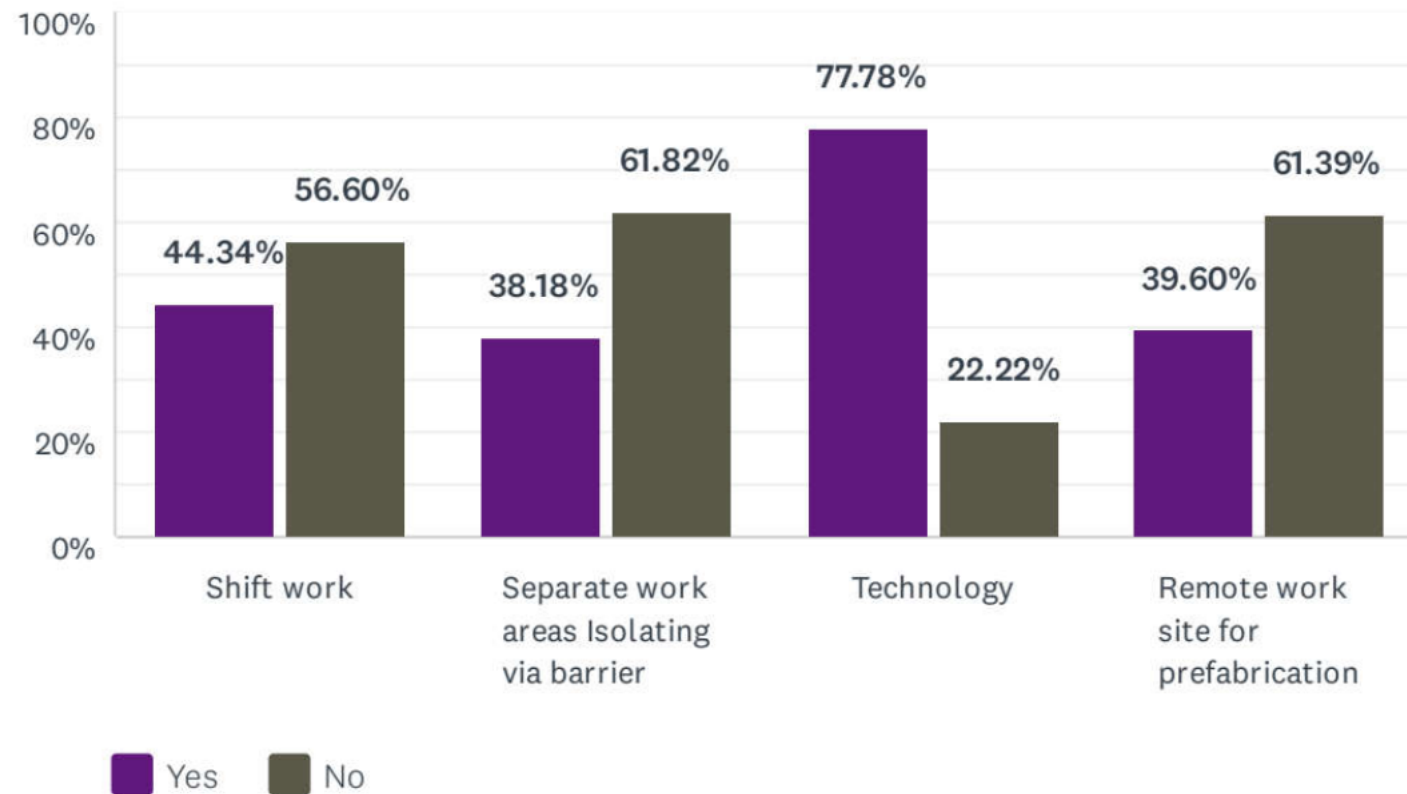


Willis Towers Watson COVID-19 Risk Control Protocol Sharing Survey

Q3 How are you managing the social distancing expectations (>6') – are you undertaking any guidance to limit / guide increased distance between workers by the following

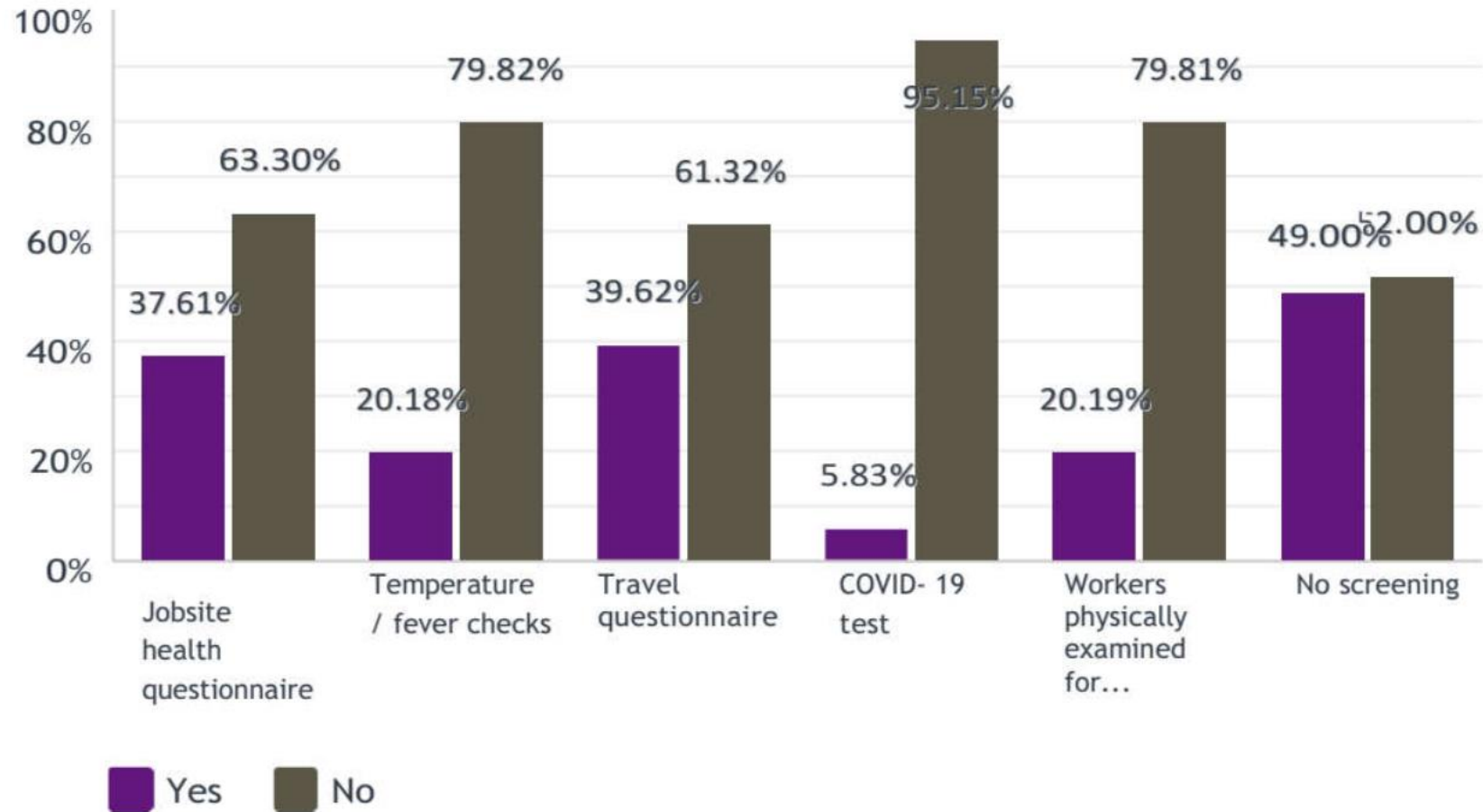


Q4 Considering the recommendations regarding minimizing group gathering size to <10 persons – what steps are you taking actively on projects?



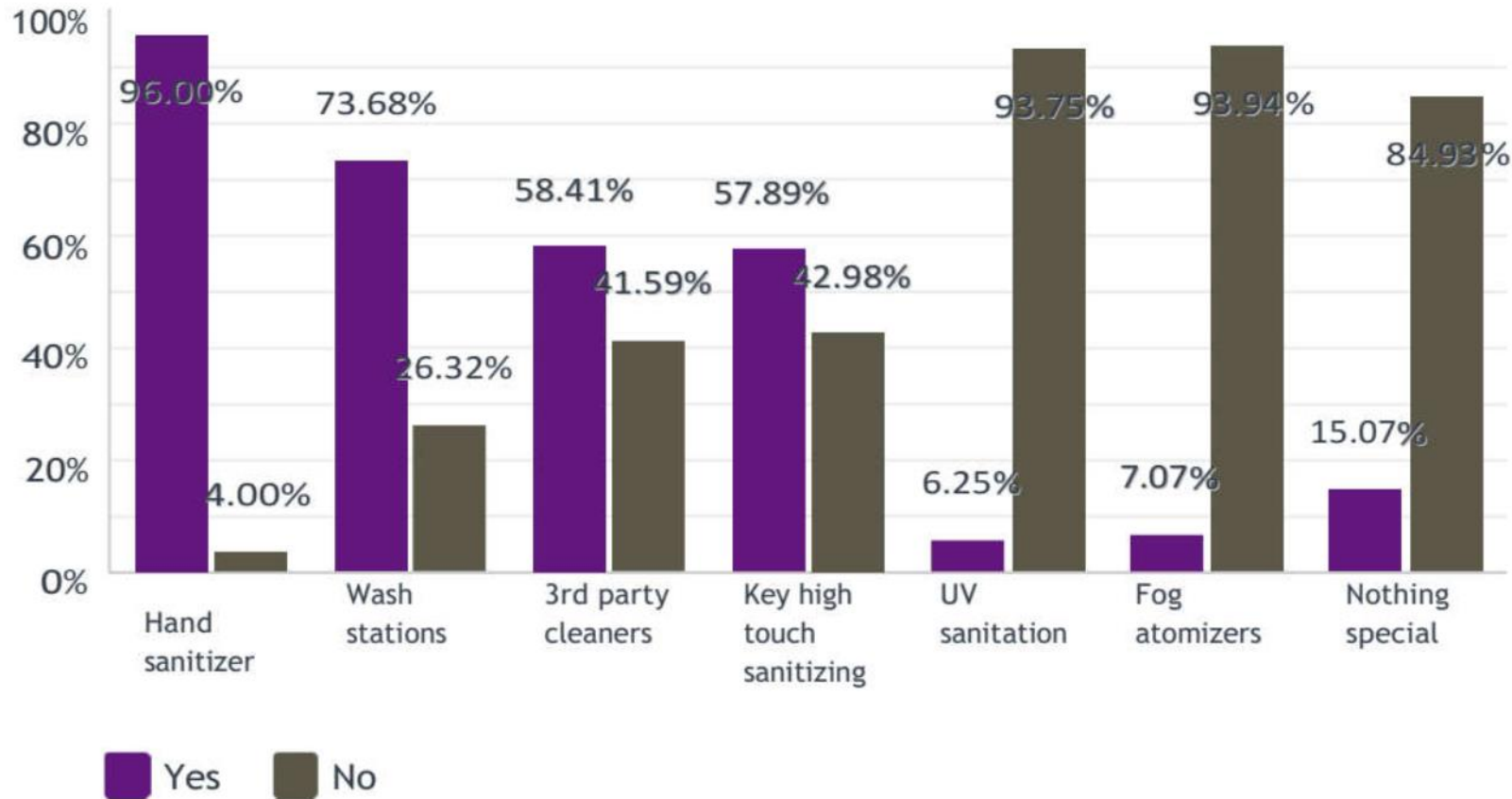
Willis Towers Watson COVID-19 Risk Control Protocol Sharing Survey

Q5 Are you conducting any jobsite screening?

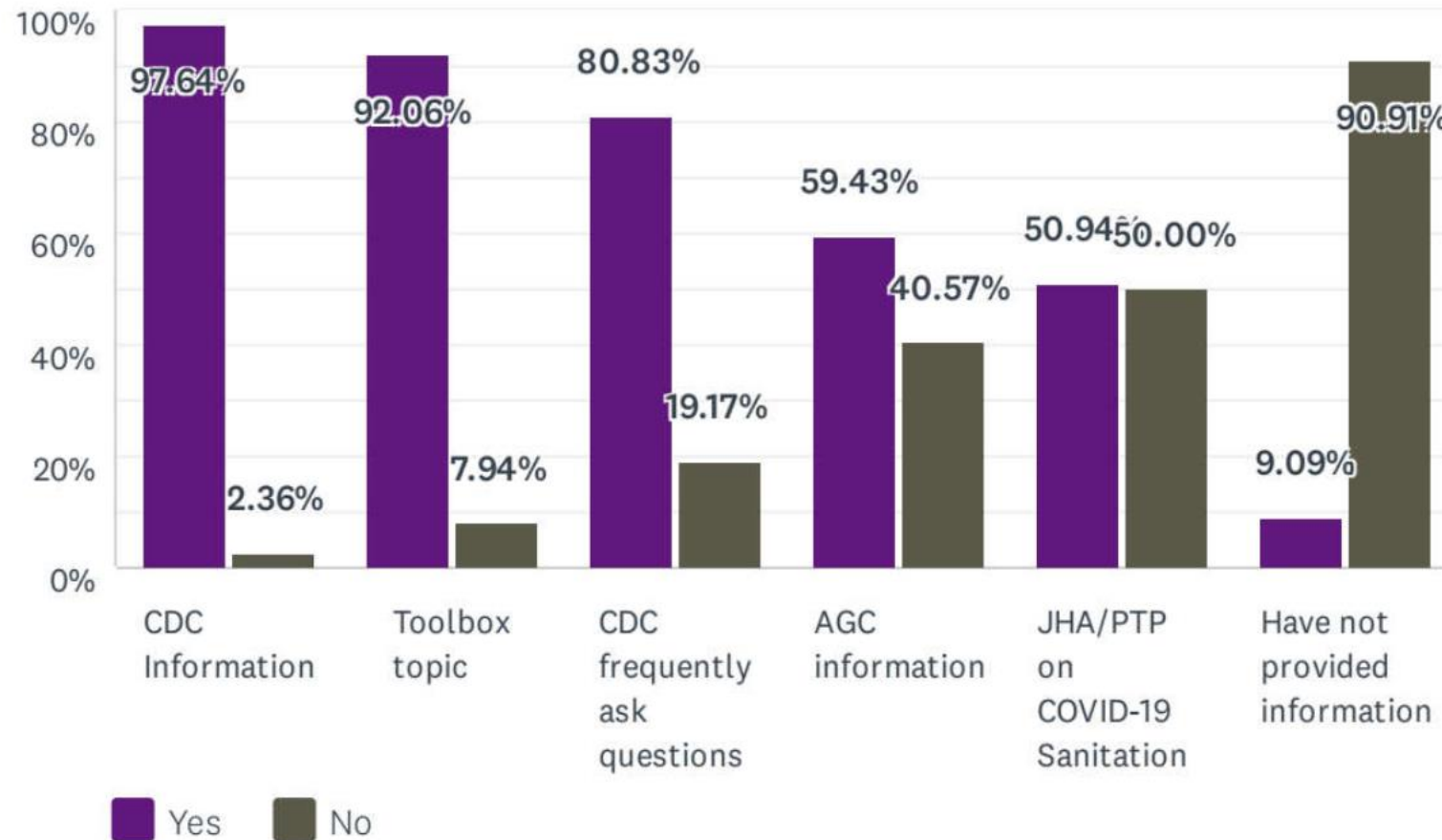


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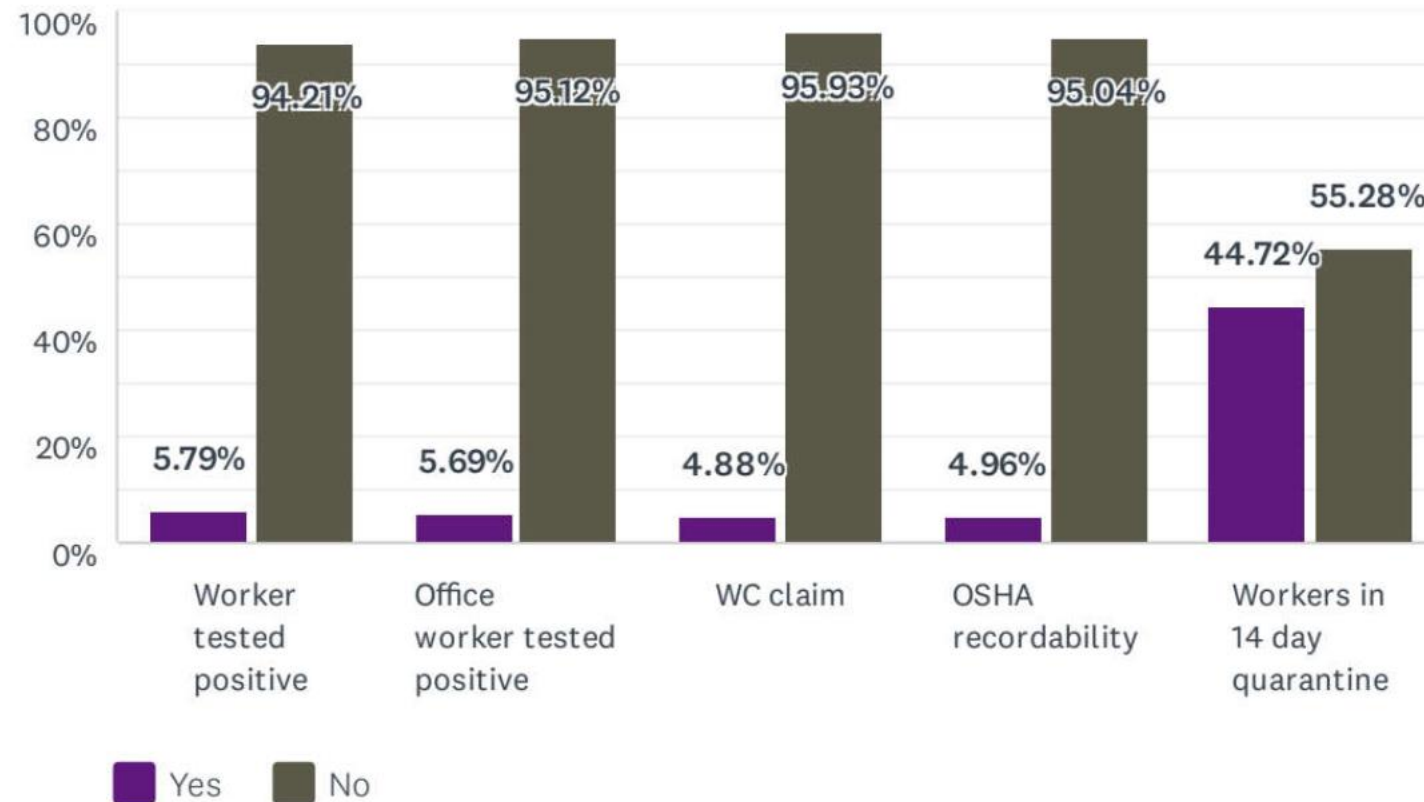
Q6 Are you providing additional handwashing areas, etc. – any other special new accommodations onsite?



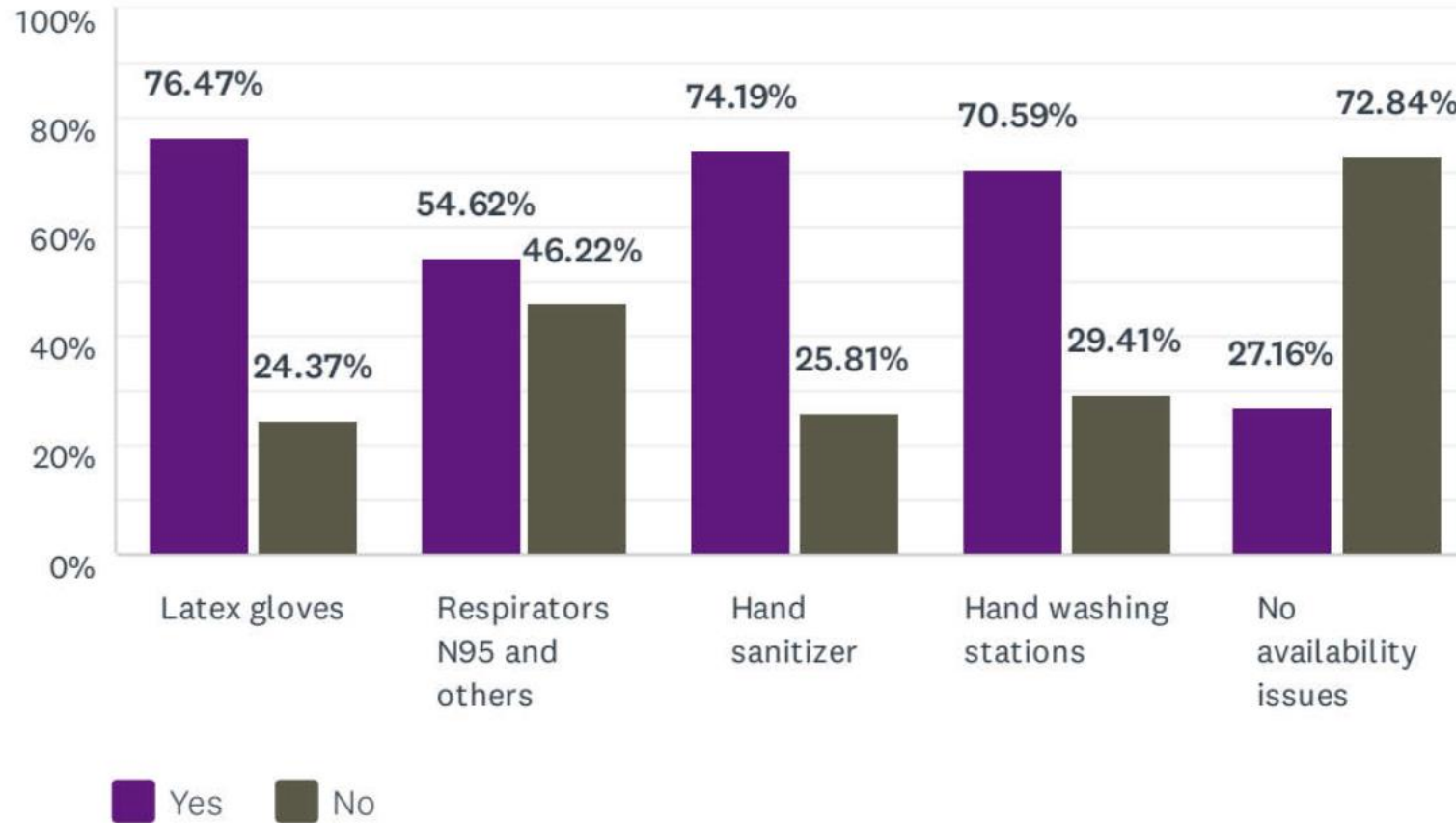
Q7 Have you educated your workforce on COVID-19 using



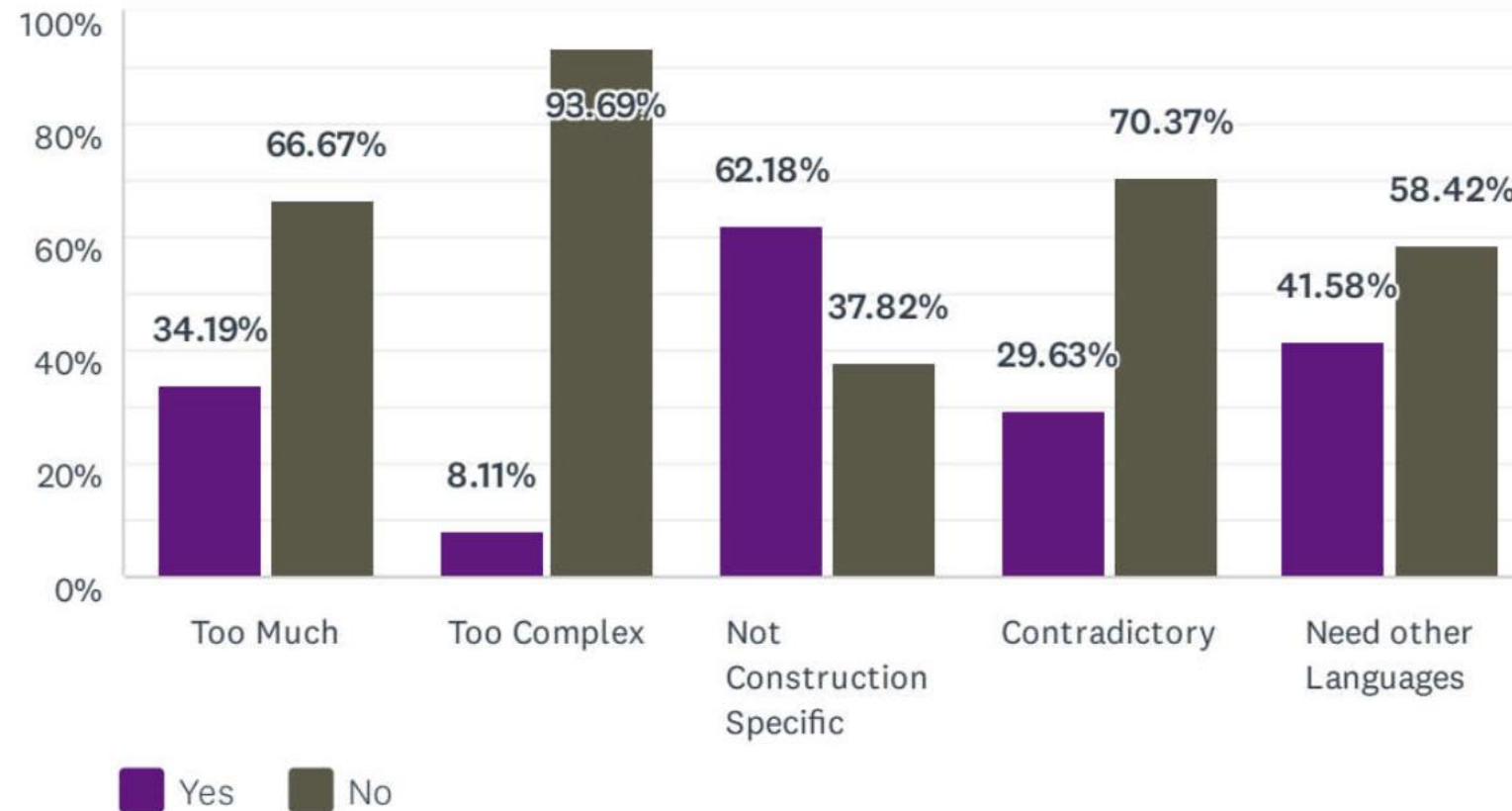
Q8 Current status / presence of COVID-19: Has one of your onsite workers regarding COVID - 19



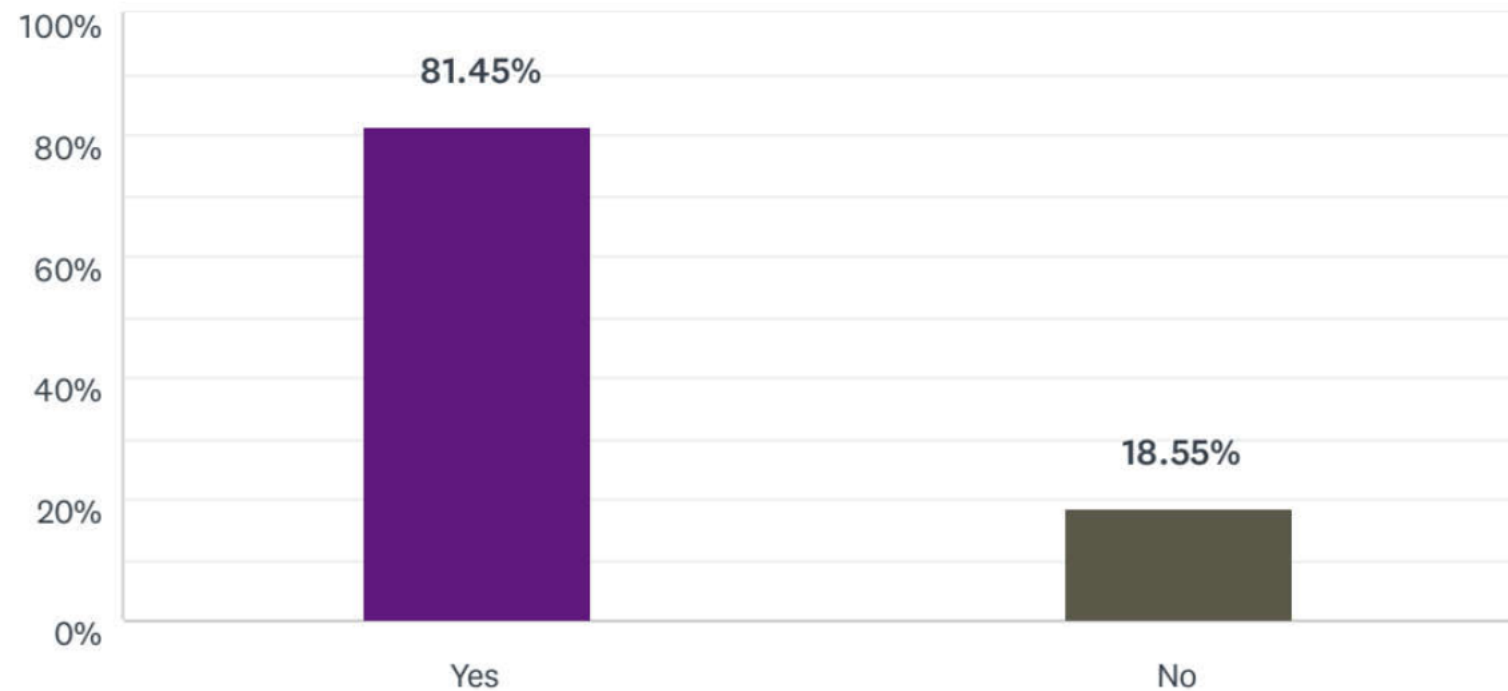
Q9 Availability and access to key material such as sanitizing and PPE is the following available in your supply chain



Q10 How useful / value added is the information you're getting on COVID- 19



Q12 Are you prepared to suspend work at any project in the near future?



Willis Towers Watson COVID-19 Risk Control Protocol Sharing Survey

Willis Towers Watson Resources

To find the survey report click on

<https://www.agc.org/coronavirus-covid-19>

<https://www.willistowerswatson.com/en-US/Insights/trending-topics/covid-19-coronavirus>

Each applicable policy of insurance must be reviewed to determine the extent, if any, of coverage for COVID-19. Coverage may vary depending on the jurisdiction and circumstances. For global client programs it is critical to consider all local operations and how policies may or may not include COVID-19 coverage.

The information contained herein is not intended to constitute legal or other professional advice and should not be relied upon in lieu of consultation with your own legal and/or other professional advisors. Some of the information in this publication may be compiled by third party sources we consider to be reliable, however we do not guarantee and are not responsible for the accuracy of such information. We assume no duty in contract, tort, or otherwise in connection with this publication and expressly disclaim, to the fullest extent permitted by law, any liability in connection with this publication.

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Questions?