HOW CONSTRUCTION COMPANIES CAN SAFELY BRING EMPLOYEES BACK TO THE OFFICE AND JOB SITES AMID COVID-19

BY TRAVIS SHAFFER AND WILLIAM RENNIE

As governors across the Mid-Atlantic region begin to relax stay-at-home-orders amid the ongoing COVID-19 pandemic, construction and real estate companies are grappling with how their employees can safely return to the office and job sites.

A safe and productive transition back to a place of business comes with significant challenges that vary from organization to organization, office to office, and job site to job site. Employees in this industry often find themselves in close quarters with one another. Equipment and machinery are often shared between workers. Business meetings with third-party vendors and suppliers are also very common, which present further opportunities for the virus to spread.

Employee safety is the top priority for construction companies and the ultimate measure of a successful and productive return-to-work effort.

In reviewing best practices gleaned from essential businesses that have stayed open, recent government agency guidelines and traditionally effective HR policies and practices, there are several tactics and strategies companies can utilize to keep workers safe.

Below are the top considerations all construction companies should take into account to keep their office and job site workers safe as they begin to return to these employees to work. Please keep in mind that if it is a union workforce, some of the below steps may require the employer to engage in good faith bargaining with the bargaining representative prior to implementation, and therefore construction companies should consult with labor counsel prior to implementation.

Conduct daily temperature screening – With no COVID-19 vaccine and limited widespread testing capabilities, many of the social distancing and public health protocols will carry over into new workplace policies. Those protocols begin with screening employees for COVID-19 symptoms before they enter the office or job site, which many states, including Pennsylvania, New Jersey, Delaware and Maryland are recommending. This can be accomplished in a few different ways:

Employee self-reported screenings - New apps and technology platforms allow employees to take their temperature and log other customizable details which can be verified and submitted to employers. While these apps are more feasible for office workers, digital screening is much more difficult on multi-employer/multi-trade construction job sites. Some workers may not have smart phones and those who do may not be comfortable giving employers access to their devices.

On-site temperature screenings - Medically trained individuals can take employee and visitor temperatures and record other medical information at the entrance to the office building. Construction job sites can set up a designated area set up for testing and encourage distancing to keep crowding to a minimum.

COVID-19 antibody testing - More research and development is needed for this to be a viable option for employers, but antibody-based protocols could be created in the coming months.

Create a safe and sanitary working environment – To keep employees safe in the office, construction companies should set social-distancing protocols with adequate signage and suspend use of shared spaces such as conference rooms and break rooms. Employers should provide hand sanitizer, tissues and no-touch trash containers, and employees should be required to wear masks while in open environments.

Account for everyone who steps onto company property – Employers may have to create protocols for vendors, customers and other visitors, which may include precluding third parties from entering the workstations. Its critical to consult with cleaning crews to ensure proper disinfecting and sanitation protocols are routinely being followed. For employers in a large building, coordination with the building's facility management team, other vendors and other tenants may be required around shared spaces such as the lobby and elevators.

Consider legal implications of requesting worker medical information and utilization of such information – Employers must be sure not to request information from employees that they are not legally entitled to or to consider such information in making employment decisions. The Equal Employment Opportunity Commission has shared clarifying policies for what medical information employers can request from employees during a pandemic. Employers should review those guidelines and ensure compliance.

Communicate early and often – Clearly and effectively communicating safety plans is imperative on a job site and in the office. On job sites, safety managers need to incorporate COVID-19 related policies into their daily job briefings along with concerns about other safety matters. Both in the office and on the job site, orientations should be modified to include information about face coverings, social distancing and proper hygiene. Regular communication through bulletin boards and email can also help to promote awareness and utilization of these safety precautions.

Minimize the sharing of equipment – Both in the office and on a job site, equipment sharing must be kept to a minimum. Where equipment must be shared, including the operation of manlifts, forklifts, etc., Center for Disease Control & Prevention (CDC) guidelines for disinfection should be practiced prior to sharing. Disinfectant wipes should also be kept in close proximity to all shared equipment to facilitate and encourage their use.

Stay attuned to ongoing developments – Given the quickly evolving nature of this pandemic, staying up to date with evolving rules and regulations is imperative. Construction companies should monitor the websites of state and local regulatory agencies, trade associations and news outlets regularly for updates.

A DYNAMIC EFFORT

Creating protocols that address the myriad employee safety challenges facing real estate and construction companies amid the COVID-19 outbreak is a critical first step. But efforts cannot stop there.

Maintaining employee safety requires ongoing attention and the ability to address new challenges as they arise.

Establishing a task force dedicated to return-to-work issues is one best practice to ensure these efforts receive the necessary attention. Key leaders from various parts of the organization can review plans and policies and ensure workers are safely getting back on the job. Similarly, these leaders must regularly listen to concerns from their employees and implement changes to protocols as necessary to keep workers comfortable and safe. Ultimately, employers need to rely on common sense and prioritize communication with employees to ensure new protocols are understood and followed.

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