

COVID COMPLIANCE- The challenge for SMEs and getting back to work.

In the last few days many businesses are ramping up their efforts to return to work amidst the continuing challenge of COVID-19.

Governments have issued guidance for employers on how to approach matters. Some of this guidance is sector specific, which is helpful for those particular industries. Some of it is generic, practical advice which employers should also read.

Most important is that organisations now need to develop an appropriate response which not only addresses the risk of COVID but aligns it to their business function and operations.

Any risk is amplified by the obvious duty of care of employers to their workers under Health & Safety legislation. This has a wide remit and is further complicated by the status of COVID-19 as a public health issue which does not primarily fall under the auspices of Health & Safety or other regulatory authorities.

There is an element of overlap if the risk is directly attributable to an organisation's work, such as healthcare provision or if in addressing COVID, employers expose workers or the public to health and safety risks. This can be considered in the context of the new set-up for those returning to work or in the continuation of remote working for certain workers and businesses.

Our economic landscape has changed beyond recognition and business continuity is dominated by how we seek to control and suppress the risk that this pandemic presents. Getting back to work and our business continuity requires the development and subsequent implementation of an effective COVID compliance programme.

Here are the factors that SMEs should consider.

1. Business leadership.

This is a hugely important time to plan and implement an effective and workable programme which requires the commitment from everyone within the business.

Naturally, the response is led by the business owner and without clear leadership and endorsement from the top, meaningful compliance is difficult to achieve.

In reality, for most SMEs, the owner or director is likely to be the foundation for the development and sustainability of any COVID compliance programme. Depending on the size of the business, there may be middle managers or Heads of Department who must also engage to endorse appropriate compliance.

Be warned, this is not tick-box compliance and must be reviewed appropriately. Your COVID leadership response should be agile and capable of reacting to the effects of the virus as we move forward.

2. Risk Assessment.

Guidance abounds as to the risks posed by COVID-19 and SMEs must understand this risk in the context of their own organisation, the relevant sector and commensurate with their business operations. Awareness of possible symptoms and spread are key background considerations.

In practice, this means conducting assessments within the workplace (even if remote) and with attention to the COVID impact on work activities.

As a background to better understanding, businesses should assess their risk in their sector and geographically.

Take into account the implications for occupational health and safety practices.

Consider the types of worker, customer, client, partner, supplier and other 3rd parties the business may come into contact with. In the case of suppliers or 3rd party vendors, consider the importance of their compliance programme to your business relationship.

Get a clear understanding of the risks, identify them, grade them and manage them.

Proper risk assessment is critical as it underpins your policies, procedures and training.

3. Drafting Policies or appropriate Codes of Conduct.

Michael Ryan's words at the beginning of this outbreak are almost prophetic at this stage;

"Perfection is the enemy of the good when it comes to emergency management".

This is relevant to our policies and it is important not to obsess over their content.

Remember who your policies are aimed at.

How can you write them so that they are understood and enacted upon?

Make sure they are readable, clear and concise.

Make sure they reflect how your business operates and that they are relevant to your sector.

Make them available to staff and other stakeholders.

Bring them alive with examples and explain all the concepts and terms.

The nature and number of these policies will depend on the nature of your business.

You will require COVID specific policies, for example a generic COVID prevention policy and a policy for dealing with suspected COVID within the organisation.

You should also review existing policies to include consideration of COVID, for example absence or other leave policies, remote working, data protection, confidentiality and disciplinary/grievance policies.

4. Communication & training.

Proper communication helps create awareness and must emphasise the role of everyone in the business to address the continuing challenges.

Whether through the appointment of worker representatives, consultation with managers, unions or other representative bodies, communication is key to any effective compliance programme.

It is vital at all stages. Encourage contributions and feedback from staff, customers and use this to improve your policies and processes to protect against the spread of COVID.

In many instances, employees are returning to a different working environment. Train them in the implementation of your new policies and procedures. Involve them and their knowledge in any training for the benefit of the business.

Make customers and other stakeholders aware of these new or amended policies and procedures, where relevant. Signage and notification of new procedures should be clearly set out and communicated. Use your website or other social media to raise awareness and emphasise your commitment.

Document, record and review training measures.

This too shall pass.....

Remember, our return to work is dominated by our response to the continuing challenge of COVID-19 for our staff, our organisation and society as a whole.

An appropriate COVID compliance programme aligned to our business function not only makes this transition easier but promotes trust amongst our staff and customers through leadership, effective communication, clear policies and procedures.

It also underlines our collaboration and commitment to curtailing this pandemic for the long-term sustainability of our organisations and our staff wellbeing.

Sinéad Kelly LLB CIPD

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Courtney Kelly Consulting works with SMEs, public entities and not-for-profit organisations that require compliance preparation and protection solutions.

We have worked with a number of businesses in the response to the challenges of COVID-19, providing advice, bespoke policy/procedure drafting and staff training.

We help you to assess, plan, prepare and implement the structures and operating procedures required to ensure that you are addressing your compliance obligations effectively.

For further information and support contact us at:-

info@courtneykellyconsulting.com

Mobile:- Sinéad Kelly 0044 77 1816 0635.