



Client Alert

COVID-19 response and employment practices liability concerns



The number of reported cases of COVID-19 (coronavirus) has grown exponentially. As a result, many organizations are taking precautions and have implemented policies and procedures regarding travel, reporting to work after traveling to and from a “hot zone” and mandatory self-quarantine obligations, to name a few. Events like this, that impact the workplace, naturally come with an increased risk of exposure to employment related claims alleging discrimination, retaliation, harassment, etc., which may trigger your employment practices liability insurance policy.

As the World Health Organization stated, we are in somewhat “uncharted territory” with this potential outbreak, and therefore it is important to proceed with caution to ensure that your organization is protected against potential employment practices liability claims. For example, if certain groups of employees are targeted or mistreated because of their national origin or because of suspicion of being infected, they may claim discrimination or harassment. There may also be invasion of privacy concerns if employees are questioned about their personal travel, health history or family health history. In addition, if an employee opts out of a work-related event or meeting because of concerns over coronavirus and then believe they were retaliated against, they may allege retaliation.

These are just a few examples of the types of claims that may arise as a result of the current response to the coronavirus. It is imperative to be aware of the potential issues and proceed accordingly.

Some best practices to implement are as follows:

- Always consult with employment counsel when implementing (or updating) policies and procedures to ensure legal compliance.
- Ensure that those policies and procedures are implemented in a fair and equal manner.
- Ensure proper communication to all employees, particularly the line managers who will be responsible for implementation.
- In order to preserve coverage under your employment practices liability (EPL) insurance policy, keep in mind that written communications from employees regarding the coronavirus may be deemed a “claim” so it is important to consult with your Willis Towers Watson claim professional upon receipt to evaluate for potential notification to your EPL policy.

For additional insurance coverage discussion from Willis Towers Watson on the impact of coronavirus, please see our post, [“Would insurance policies cover losses related to coronavirus?”](#)

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