Project Restart & Remobilization Risk

- Familiarize yourself with the Project Site Specific Infectious Disease Control Plan
  - There may be added costs associated with compliance.
- These may be different by Project and by General Contractor
- Current Shelter in Place Provisions outline separate requirements
  - Bay Area Large Project Plan Addendum
  - Bay Area Small Project Plan Addendum
Behind the Scenes Steps that Contractors should consider in our current COVID-19 World

1. Visible Executive Leadership Involvement
2. Establish an Emergency Response Plan & Committee
3. Define, Educate and Implement the New Normal

Risk Management Tip:
If you have established a written plan, or have signed an agreement that states you will be adhering to established protocols and they are not followed, you may be creating additional liability for your Organization. Make sure you understand what you are agreeing to and that you do what you say you will be doing.

Liability emanating from COVID-19 related events may not be covered due to specific exclusions contained in most insurance contracts.
1. Workers’ Compensation

Current Emergency Order (AB 664 – SB 1159)
- Conclusive Presumption that COVID-19 illness is a compensable condition for all essential workers.
- Est. Cost = $11.2 Billion
- Context – 2018 Total WC payments were $23.5 Billion

2. Employer’s Liability

Part 2 of the Workers’ Compensation policy for liability for work-related bodily injury or disease, other than liability imposed on the insured by a workers’ compensation rule or regulation.

3. Employment Practices

Claims asserted by the workforce (employees and non-employees) for wrongful termination, **discrimination, invasion of privacy, emotional distress** and other related allegations.

- Familiarize yourself with the following:
  - HIPAA Privacy Rule and the HIPAA Security Rule.
  - COVID-19 Illness/Health Assessment Forms
  - False Positives
  - Refusing to Allow an Employee to Work
  - Sharing information that is deemed PRIVATE.

4. General Liability & Pollution Liability

Claims asserting bodily injury, property damage, personal injury to third parties caused by your negligence or actions/(_inactions_).
What is UCON doing to help address the real exposure?

- UCON immediately assembled a task force, discussed the issues and drafted a strong message of opposition regarding the presumption order that is currently in front of our legislators, pointing out the significant adverse impacts this could have to the UCON membership and construction industry as a whole in Northern California.

What can each of you be doing to mitigate your exposure?

- Make sure you consider these points discussed today. It is crucial that you are taking all steps necessary to ensure that your firms are taking every precaution within reasons to mitigate your exposures and document your actions to prevent exposures during this next phase of the COVID-19 lifecycle.
- When things go wrong, people tend to look to someone else to bear responsibility. This is unchartered territory, so use your resources and ask for help. We are all here to assist you as we work through these challenges together as an industry.