

Same business risks but topped with Covid

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The one thing most businesses have in common is that they are employers. The overarching duty of every employer is to ensure the health, safety and welfare at work of all its employees and to consider the risk to third parties. A large part of that duty is maintained by demonstrating due diligence and by putting in place measures to maintain workers and third parties safety. The pandemic has made managing this responsibility even more important.

Depending upon what sort of business you are in, careful consideration has to be given to take into account government guidance in relation to applicable covid-19 issues. There are 3 main areas for consideration:

Carry out a suitable and sufficient risk assessment

All techniques to manage risk fall into four categories:

- Avoidance (is the risk just too high)
- Reduction (minimise and reduce the risk)
- Sharing (outsource or insure against)
- Retention (assess and manage the risk accordingly)

Seek to protect the business from errors that may increase risk

In civil liability terms a business will be bound by contractual and non-contractual obligations. However, regulatory requirements must be understood and by law have to be managed. The price of failure to adhere to such requirements can be substantial in terms of product recall costs, reputational damage, fines and even imprisonment (for directors and staff in certain circumstances). This means that whether a business is in manufacturing or the service industry, quality and safety are truly business critical issues. Businesses need to evidence their due diligence and that of its staff with detailed record keeping and regular update training.

Work to minimise poor business or product performance

This links in with the 'Retention' risk category point above. Unfortunately, there is no guarantee that whatever a business does it will be protected from all possible civil or regulatory performance issues. The considered view is that all businesses need to be proactive and to consider the potential consequences that flow through bad decision making. Dialogue between staff and customers working together to prevent risk will benefit all parties, whether the business is within the service industry or within a commercial chain involving production and distribution.

Covid-19 risk assessments are going to be crucial for long-term business safety.

This article was first published in the Western Morning News.

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