

# Commercial Risk Advisor

July 2020

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*Be sure to express any concerns you have regarding civil unrest in your community to local authorities—including the police department, fire department and government officials—and utilize any resources or guidance that they provide.*

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**Provided by:**  
**Acumen Solutions Group**

## Protecting Your Business During Civil Unrest

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Civil unrest can create unique challenges for businesses. Specifically, business owners face the risk of vandalism, stolen or damaged goods and extensive property damage.

Consider the following guidance to proactively mitigate the risk of potential damages:

- **Stay informed**—It's important to stay tuned in via local authorities, news outlets and social media on potential events or issues that could lead to civil unrest within your community.
- **Assess property vulnerabilities**—Conduct a thorough inspection of both your own property and the surrounding area for specific risk management issues (e.g., gaps in security measures, potential traffic or crowding concerns, the type of property at risk and concerns for employee and customer safety).
- **Protect your property**—Potential security practices to consider include utilizing security cameras, implementing an intruder alarm system, boarding up property windows and doors, ensuring proper locks on all windows and doors, and installing motion-sensing external lighting and glass break sensors.
- **Remove valuables**—After removing as much cash, merchandise, supplies and equipment as possible, consider utilizing signage to communicate that high-value items have been removed to help deter potential thieves.
- **Alter business hours**—Open or close earlier than normal to avoid putting your employees and customers in a dangerous situation.
- **Avoid unnecessary conflict**—Educate your staff on how to respond appropriately and avoid unnecessary on-site conflict.

Apart from these loss control methods, you can ensure ultimate protection during periods of civil unrest by securing proper commercial insurance coverage. For additional risk management guidance and insurance solutions, contact Acumen Solutions Group today.



*Employers may encounter potential employment claims as a result of the coronavirus pandemic.*

**HEALTH**

**SAFETY**

**WAGES**

**DISCRIMINATION**

**RETALIATION**

**TERMINATION**

## Common Employment Practices Claims Arising Out of COVID-19

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As the pandemic evolves, employers have found themselves drafting and implementing policies and procedures to address a wide array of workplace issues, including remote work, layoffs, furloughs, pay cuts and more. Not surprisingly, the uncertainty wrought by COVID-19 has left employers at an increased risk of exposure to the following employment-related claims:

- **Workplace health and safety**—Claims typically allege that an employer failed to take measures to reduce COVID-19 exposure and spread within the workplace.
- **Leave claims**—In addition to traditional leave laws, the new Families First Coronavirus Response Act requires employers with 500 or fewer employees to provide expanded paid family and medical leave, and emergency paid sick leave.
- **Wage and hour claims**—Claims may arise from misclassifying employees who are asked to work from home or as a result of employers restructuring their workforce (including salaries) to fit their current needs. Such classification issues can lead to a claim under the Fair Labor Standards Act.
- **Discrimination claims**—Numerous state and federal laws protect employees from discrimination based on a protected class.
- **Retaliation claims**—It is unlawful for employers to retaliate against employees who exercise their protected legal rights or oppose unlawful employer actions.
- **Wrongful termination claims**—These claims arise out of a termination the employee believes to have occurred in violation of any number of laws.
- **Disclosure of confidential information claims**—The ADA requires that an employee's medical information be stored separately from the employee's personnel file.

It is imperative that employers are aware of these potential issues and proceed accordingly. For example:

1. Develop a return-to-work plan that contemplates federal and local safety guidance.
2. Consult with legal counsel when implementing (or updating) policies and procedures. Ensure counsel is also present when undergoing recalls, rehires and job offers.
3. Ensure that those policies and procedures are implemented in a fair and equal manner.
4. Ensure proper communication to all employees.
5. Maintain the confidentiality of employee medical information.
6. Train managers and supervisors on new policies and procedures.
7. Regularly monitor new federal, state and local guidance, as well as legislative enactments.

Speak with Acumen Solutions Group for more risk management guidance.