

### What Are Your Pressing COVID-19 issues?

#### Employee and Workforce Related Issues

- Sick leave and sick pay
- Policies in relation to vulnerable staff in customer-facing roles
- Introducing enforced leave and/or cancelling holidays
- Data protection issues with ascertaining travel plans (before or after holidays)
- Reporting policies
- Employee restrictions and alternative, or additional, duties
- Advice on preventing the risk of/spread of infection
- Transportation of workers
- Facilities for staff refreshments and breaks
- Future use of furloughed workers
- Working from home – administrative roles

#### Operational Issues (Including Health and Safety)

- Availability of additional workers/different working patterns to meet fluctuations in demand
- IT and communication facilities for remote customer access (e.g. mail/internet ordering)
- Facilities for remote and contactless payment
- Increasing volume of customer deliveries, including ensuring requirements for vehicles are met (including driver licensing, driver hours and adequate vehicle maintenance)
- Health and safety duties/obligations
  - Segregated shifts and provision of PPE, such as masks and screening (and associated data protection issues)
  - Following Public Health England guidelines in the workplace, including in relation to distancing and hand-washing
  - Hygiene measures – general and in the event of employee illness
- Precautions in respect of closed premises
  - Routine maintenance and/or safety inspections
  - Security arrangements, including alarms and CCTV monitoring
  - Pest-proofing
  - Disposal of waste
  - Fire risk assessments



#### Policy and Financial Health

- Exceptions from enforced closures/suspension of business activity
- Whether workers qualify as “critical” for purposes of continued provision of children’s education
- Critical and essential supplier status, including packaging, labelling and logistics
- Lobbying to protect your interests
- Insurance coverage
- Contractual protections
- Working with other retailers to ensure availability of key products/management of shortages (potential competition law restrictions)
- Support through rapidly changing and ongoing financial health needs (including accessing government/financial support packages, bank and other funding, business distress options, cash flow, forecasts, aborted deals, tax relief, pensions, protecting investments, etc.)
- Issues with paying or receiving rents pursuant to your leasehold interests in premises
- Continued compliance with licences and adequate coverage of licence holders

## Supply Chains, Including Manufacturing, Logistics, Business-critical Infrastructure/Services

- Anticipating and meeting any increased demand overall and for particular products
- Stock management and order cancellation in the event of reduced demand and/or closures
- Dealing with supplier closures and product shortages, cross-border cost increases and disruption
- Protracted business interruption, border closures, in-country lockdowns, etc. (e.g. France, Germany, Italy and Spain)
- Supply chain mapping, risk management and mitigation steps
- Contractual exposures – change in law, *force majeure*, frustration, material adverse change, termination, waiver, cancellation by customers, etc.

## Customer and Public Relations

- Communication of:
  - Steps taken for wellbeing of customers
  - Steps taken to meet increased demand/supply shortages
  - Approach to closures of premises (and, in due course, re-opening)
- Key information on business/approach that all communications should include
- Briefings for customer-facing staff for responses to customer enquiries
- Data protection issues and protocols for the disclosure of sensitive personal data (e.g. health information of staff)

We can help you address these and other commercial, legal and COVID-19 policy challenges you may have, including local law advice across multiple jurisdictions, utilising our global full-service team of lawyers and policy advisors. Our team would welcome the opportunity to discuss your pressing COVID-19 needs with you.

## Contingency Planning

In the meantime, our top tips for contingency planning for retailers are:

1. Assess what critical activities are, or (in the event of closure) will be, required for the delivery of your business objectives, key services and products to customers (including consideration of factors such as suppliers, logistics and retailing activities) either currently, or when you re-open.
2. Plan your contingency arrangements around the resources required to deliver those critical activities, including the minimum number of workers and the skills/qualification levels required (e.g. personal licences (alcohol), food hygiene qualifications, driver licences, safety-critical roles, etc.); the operation of particular business premises (including office, warehouse and any retail premises); and the IT facilities/equipment required (e.g. customer ordering, payment and communication facilities).

3. Map potential supply chain issues to meet anticipated fluctuations in demand and in consideration of whether you and your suppliers will be considered as an “essential service” (those involved in food distribution, sale and delivery, as well as those essential to the provision of other key goods, will be considered as “key workers”).
4. If you are adversely affected by enforced closures, consider what financial support is available from funders or the government and whether you have coverage under insurance policies, including for notifiable diseases and for business interruption.
5. Remember that in the event of operating with a skeleton staff and/or closure of some business premises, you will need to assess potential risks to health and safety in connection with changes to the business and ways of working, as well as consider licence conditions and obligations.

## Other COVID-19 Support and Resources

[COVID-19 Resource Hub](#) – 24/7 monitoring and regular updates on current COVID-19 legal and business continuity issues across our global platform, including how business is responding to potential new and existing ramifications.

[COVID-19 Contingency Planning Self-assessment Tool](#) – A complimentary mapping tool, including an optional contingency planning template. Within 24 hours, you receive a summary mapping factors your business has not yet considered, together with benchmarking information collated from assessments completed by other businesses.

## Contacts



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