

Back to work during COVID-19: A guide for retailers re-opening their doors

May 15, 2020

Closing stores during a global pandemic wasn't easy. But re-opening stores during a global pandemic comes with its own set of challenges. With a strategic approach and focus on crisis leadership, retailers can take proactive steps to minimize the risks of hosting an outbreak, alleviate employee and consumer concerns, manage their reputations and litigation risks, and comply with the evolving – and sometimes conflicting – guidance from federal, state, and local authorities. In particular, retailers should consider the following steps: (1) establish crisis response teams; (2) ensure alignment on public relations strategy, including by proactively drafting crisis communications; (3) systematically monitor federal, state, and local rules and recommendations; (4) implement appropriate social distancing measures for employees and consumers; and (5) monitor compliance and investigate potential issues.

Crisis Response Teams

Retailers should consider establishing COVID-19 crisis response teams at multiple levels of their companies: international, national, state, regional, and store levels. The teams, particularly at the higher levels, should span all areas of the organization, including operations, communications, human resources, privacy, commercial, and legal. These teams can help by communicating policies throughout the company, raising concerns upward, and responding to potential business disruptions caused by the virus. At the store level, at least one employee can be tasked with facilitating communications between store employees and headquarters, where needed, such as in the event of employee illnesses.

Although companies are shifting their focus to reopening and operations in the new COVID environment, now is also the time to assess what worked well during the initial shutdowns and how to be better prepared for future business interruptions. The crisis response team should consider business continuity plans, dual sourcing, and contacts at industry associations and in local, state, and national government that would better prepare it for a future shutdown.

PR Strategy and Crisis Communications

When facing any crisis, companies should be internally aligned on their PR strategy. Before re-opening, retailers should re-assess (or draft) public relations policies and procedures, including internal and external communication protocols – particularly involving social media.

As part of this strategy, retailers should proactively communicate with customers and employees about their decision to reopen stores. Customers expect a more thoughtful reason than the fact that a state has lifted restrictions. Communicating with the public and employees why stores are opening – and how the company intends to keep customers and employees safe – will go a long way to promoting trust and protecting the retailer’s reputation.

This is also the time to consider strategy for other crisis communications, in advance of any problems arising. Before there is a time-sensitive emergency, companies should draft communications in case of outbreaks, store closures, or anticipated employee concerns.

Rules and Recommendations

Across the United States alone, companies are struggling to monitor the range of rules and recommendations, which are often vague and vary wildly by state, county, and community. With various (and sometimes conflicting) guidelines coming from multiple sources, it is critical for companies to find a systematic way to monitor the regulations and guidance, and comply where appropriate. There should be a dedicated task force within a company, or conducted by outside counsel, to ensure that retailers are in compliance with legal requirements and have carefully considered relevant recommendations.

Social Distancing for Employees and Consumers

Retailers must approach social distancing measures on two fronts, for both employees and consumers.

For employees, companies should consider staggered shift work or telework where feasible and should make adjustments in the workplace. For example, companies should adjust seating or layouts in shared spaces to ensure appropriate distancing; establish protocols for additional cleaning and sterilization of frequently used spaces; examine HVAC, sewage, and drainage systems for potential virus-contamination hot spots (and eliminate or mitigate those hotspots); acquire and distribute personal protective equipment (PPE), hand sanitizer, and other protective items; and consider new protocols for in-person meetings and travel. Retailers also could implement “Squad scheduling,” in which employees work in small, set teams. If one member of a Squad gets sick, the entire team is isolated.

For consumer-facing social distancing, companies should implement or continue practices such as contactless payments, curbside pickups, expanded delivery options, and floor markers to demonstrate six-foot gaps in checkout lines. In addition, retailers can utilize mobile checkout devices to allow the same employees assisting with the shopping experience to facilitate checkout as well. This way, customers are only exposed to one store employee. Retailers also should post signage, in multiple languages, to make both employees and consumers aware of any new in-store policies, such as those relating to face masks.

As retailers make changes to protect their employees and customers, they must document them appropriately. To the extent companies make changes that impact written policies (such as those

related to paid time off) they should formally revise and distribute those policies. And, to the extent that informal practices are adjusted or benefits provided (such as distributing PPE), employers should log those efforts as well.

Monitor Compliance and Investigate Potential Issues

Despite everyone's best efforts, things don't always go right – especially in such uncertain times. As such, it is critical that companies have the capability to detect problems before they become unmanageable.

To the extent companies do not yet have an anonymous ethics hotline, this is the time to get one in place. And, even if a hotline is already available, retailers must ensure that all employees are aware of it and know the number. Companies must then actively monitor these hotlines, as well as any other reporting mechanisms, and investigate any and all credible reports.

Companies must take seriously any allegations of non-compliance with internal policies, laws, or regulations. In addition to health and safety issues associated with reopening, companies should be on high alert for any allegations of fraud or abuse, particularly relating to government funding. For example, any business that receives funding under the Paycheck Protection Program, and in particular those receiving more than \$2 million, should anticipate increased regulatory scrutiny. To the extent any problems do arise, retailers should be prepared to identify and address them head on.

Retailers and consumers are acutely aware that as stores reopen, they are going to look very different from the stores they knew before. But with increased challenges, comes an increased opportunity for innovation. By focusing on strategic solutions and crisis leadership, retailers can mitigate the risks of reopening and be ready for any challenges that do arise.

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