Employee Health and Safety in Public Health Emergencies
Guiding Expectations for Investors

Introduction

The Covid-19 pandemic has demonstrated how frontline and essential workers can be exposed to elevated occupational health and safety hazards during public health emergencies.

The Investors for Opioid and Pharmaceutical Accountability (IOPA) believe that workers’ rights and protection must always be upheld regardless of changes to emergency event conditions.

Throughout the Covid-19 pandemic, we have voiced our perspective and listened to numerous healthcare retailers and distributors with frontline and essential workers through online corporate dialogues. Based on our collective experiences and lessons learned throughout this period, we have put forth the following guiding expectations for investors to proactively promote when engaging with companies in the event of future public health emergencies.

Board Oversight

During periods of public health emergencies and events that pose elevated occupational health and safety risks, we expect the board of directors of companies to provide oversight and disclosure on the protection of the health and safety of their workforce.

Board Expectations:

- Boards are briefed on the implementation and effectiveness of corporate measures to protect workers, and support management to mitigate risks posed to employees. The frequency of briefings is informed by and reflects the significance of emergency events and any rapidly changing circumstances.

- Boards review company compensation structures, business productivity targets and employee health measures (such as social distancing and limiting building capacity) and support the resolution of any misaligned targets by setting workers’ health and safety as the top priority.

- Boards ensure that management has the appropriate resources and personnel (internal staff and external parties) available to develop procedures in consultation with workers and respond frequently as changes to emergency events occur.

- Boards ensure that management has effective channels of two-way communication, with an emphasis to listen and respond to employee questions and concerns without fear of retaliation.

- Boards ensure that management is assessing the effectiveness of the employee health and safety through actions such as assessing employee compliance with health protocols, reporting local company and community health incidents and incident rates, and taking steps beyond compliance, where appropriate, to ensure the protection of workers and local communities.
Alignment of Corporate Priorities

Due to the rapidly changing nature of public health emergencies, companies that commit to improving health and safety measures should review existing productivity and operational standards, and related corporate incentive structures to identify areas of misalignment that may erode the ability to effectively implement health and safety commitments.

Expectations for Reviewing Corporate Priorities:

- During emergency events with rapidly changing circumstance and uncertainty, employee health and safety must be a top priority.
- Management should review corporate-wide compensation structures to ensure they do not conflict with occupational health and safety protocols, and address inconsistencies as they arise.
- Management should review operational procedures and productivity standards, with emphasis on frontline and essential workers, and other high risk worker functions, and adjust procedures and suspend standards as needed to prevent operational conflicts that may compromise worker safety. (Such as social distancing and limiting building capacity)
- Budgetary limits should be reviewed at all levels where elevated occupational health and safety risks are present. Exceeded budgets due to spending on employee personal protective equipment or other reliable health and safety controls should not negatively impact management performance review.

Assessments and Reviews

A company must demonstrate effective, sustained worker protection beyond corporate commitments and initial implementation. Due to the potential changes in occupational hazards or the severity of hazards that employees may be exposed to throughout public health emergencies, companies must develop procedures to assess the effectiveness of current health and safety measures and respond with improvements where gaps have been identified.

Expectations for Corporate Health and Safety Reviews:

- Management should preemptively assess the company’s capabilities to shift resourcing of internal and external health and safety experts in an agile manner to monitor and assess levels of compliance, and to assess the effectiveness of employee health and safety measures implemented due to emergency events.
- Management should take a risk-based approach to assessments and reviews, prioritizing the highest risk facilities and stores by considering local company frontline and essential worker staffing levels, local company incidents and incident rates, community incident rates, and local company facilities or stores with historical health and safety non-compliance.
- Management should implement effective reporting channels to ensure findings from local health and safety assessments and reviews are received by management in an un-biased manner.
- Management should take corrective action to address gaps identified concerning the implementation or effectiveness of health and safety protocols. Significant findings and corrective actions should be reported to the board in a timely manner.
Employee Resources

Companies must safeguard workers’ rights in health emergencies, irrespective of rapid changes to events and circumstances. In addition, companies must factor in the impact frontline, and essential workers contribute to maintaining company operations when assigning employee benefits and resources.

Employee Resources Expectations:

- Management must ensure workers are aware of the changes to occupational health and safety hazards and the protection measures implemented to eliminate, substitute, or control the risks posed to workers. Worker protection standards must be compliant with local health regulations, and all required personal protective equipment must be provided to employees prior to engaging in work.
- Management must ensure workers have the support to address personal health incidents and curb the increase of local company incident rates by receiving sick pay and paid time off aligned to local health standards at minimum.
- Management must factor in the significance of frontline and essential worker contributions to maintaining company operations when evaluating worker performance and assigning wage increases and bonuses. Vertical pay equity among company workforce and management must be considered and aligned.
- Management must implement procedures for frontline and essential workers to communicate occupational health and safety concerns with zero tolerance for retaliation against workers. The company should consider workers’ varied communication preferences and provide direct in-person and direct remote options, as well as opportunities for anonymous communication. Employee concerns must be accurately and effectively reported to management.
- Management must work collaboratively with front line workers and labor unions to meet the needs to employees throughout emergency events including processes to determine employee resources, benefits, and health and safety safeguards.

Public Disclosure

Companies must provide transparency on employee health and safety management during public health emergencies to investors and other stakeholders. Public disclosure updates should be completed in a timely manner, demonstrating how the company effectively responds to changing circumstances.

Public Disclosure Expectations:

- Company updates are completed in a timely manner that align to changes to public health requirements, event circumstances, and local company or community incident rates.
- Company disclosure should include actions taken to protect the health and safety of their workforce, as well as address the expectations set out within these guidelines.
- Company disclosure should provide insight to investors on the reporting structure and flow of material information from the local company level to management and to the board of directors.
- Company disclosure should provide insight to investors on the roles and responsibilities assigned to the board of directors and management regarding the oversight of workers’ health and safety.
Investor Resources

The following are resources investors can leverage to improve insight and transparency on companies’ health and safety management and to stay up to date with local health standards:

- Occupational Safety and Health Administration (OSHA) Guidelines: [https://www.osha.gov/](https://www.osha.gov/)
- Occupational Safety and Health Administration (OSHA) Freedom of Information Act (FOIA) – Active and archived documents and records: [https://www.osha.gov/foia](https://www.osha.gov/foia)