

UP TO SPEED
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EXPOSURES

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As the Delta Variant Spreads, Organizations Must Stay Vigilant

With the spread of the Delta variant, the COVID-19 pandemic continues to create risk and uncertainty.

COVID-19 infections are increasing again in many areas, and stricter health and safety guidelines may follow. Meanwhile, the start of a new school year is adding pressure to the situation. Schools, care centers and other nonprofits must stay vigilant.



The Highly Contagious Variant

According to the [CDC](#), the Delta variant is nearly twice as contagious as earlier COVID-19 variants. There is also some evidence that the Delta variant may cause more serious illness in unvaccinated people. The [New York Times](#) reports that the Delta variant is causing a surge in pediatric cases of COVID-19. It's not clear whether this is simply because the variant is more infectious, or if the variant is actually making children sicker. Either way, more children are being hospitalized.

This means that schools and other nonprofits that work with children don't just need to worry about children spreading the virus to vulnerable older family members. They also have to worry about the children themselves becoming seriously ill.

Should Organizations Require Vaccination?

Many organizations have begun to switch from encouraging vaccination among workers to requiring it. [Business Insurance](#) reports that Microsoft, United Airlines, Tyson Foods and other companies are now mandating vaccines even though there is some concern that vaccine mandates will lead to discrimination lawsuits. [Becker's Hospital Review](#) states that one lawsuit has already been filed against a health system over its vaccine mandate, but a judge dismissed it.

According to the [Associated Press](#), California has become the first state to require public school teachers and staff to be vaccinated or undergo weekly testing.

On August 16, [Governor Cuomo announced a COVID-19 mandate for healthcare workers](#), requiring all healthcare workers in NYS hospitals and long-term care



facilities to receive their first COVID-19 vaccination dose by September 27.

When deciding to mandate vaccines, keep anti-discrimination laws in mind. The EEOC says, "The federal EEO laws do not prevent an employer from requiring all employees physically entering the workplace to be vaccinated for COVID-19, subject to the reasonable accommodation provisions of Title VII and the ADA and other EEO considerations." For more information, see the EEOC's webpage on "[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws.](#)"

How to Stay Vigilant

The COVID-19 pandemic is still a developing situation. COVID-19 is a relatively new virus, which means that we are still learning about it. We are also dealing with new variants, such as the Delta variant. Organizations must stay vigilant and agile.

Pay attention to new guidelines. As the situation continues to change, the CDC may issue new guidelines. Also watch for new guidelines and requirements at the state and local level. With New York and California leading the way, other states may soon follow.

Encourage or require vaccination. The [CDC](#) recommends that people get vaccinated even if they've been infected with COVID-19 previously. There has been some debate as to whether companies have the authority to require vaccines and many organizations also allow weekly testing as an alternative. According to [Business Insurance](#), the federal government is exploring a range of options to spur vaccinations in nursing homes and long-term care facilities.

Watch for approval of a vaccine for children.

Currently, no vaccine is available for children under the age of 12. However, a vaccine should be coming soon. According to [NBC News](#), the FDA expects a vaccine to be available for children under emergency use authorization beginning sometime this winter.

Take reasonable care to protect your team and anyone who enters your premises.

Use masks. In light of the Delta variant, the [CDC](#) has updated its guidelines to recommend that vaccinated individuals wear a mask indoors in public if they are in an area of substantial or high transmission.

Take reasonable care to protect your team and anyone who enters your premises. The best way to avoid workers' compensation insurance claims and defend your organization against liability lawsuits is to do everything possible to protect your team and the public – just as you would to avoid other exposures like slips, trips and falls. Review your procedures, training and follow up to ensure purposeful action and consistent execution. Be sure to document everything in case you are sued. [Business Insurance](#) reports that 2,950 COVID-19-related employment lawsuits have been filed since the start of the pandemic.

Need Guidance? Waldorf Risk Solutions is connected with many leading insurers specializing in coverage for religious institutions and nonprofit organizations. [Please contact us with any risk management questions you may have.](#)



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