



COVID-19: READINESS ASSESSMENT QUESTIONS

These Readiness Assessment Questions have been collated based on our on-going evaluation of the COVID-19 Pandemic (“the Pandemic”) and its global impact on businesses worldwide and locally. Please note that these questions are for the general consideration of our clients and interested persons and do not constitute legal advice. Greychapel Legal shall not be responsible for how these questions are interpreted or utilised by you or your organization.

For more information on how we may be able to assist you in dealing with these issues, please email: COVID-19@greychapellegal.com

GENERAL CONTRACTS		
	ISSUE	POSSIBLE ACTIONS
1.	Are you a provider or receiver of services under subsisting contracts?	As a service provider, you must consider services which you are unable to continue providing due to the Pandemic and notify the receiver, subject to the terms of the contract. As a receiver of services, you must identify your outstanding and continuing obligations to your service providers, in light of the Pandemic.
2.	What is the outstanding term (duration) of your subsisting contract(s)?	This is important in order for extensions to be promptly sought where required/ applicable.
3.	Do you have outstanding obligations under any contract?	Consider if these obligations became outstanding before or during the Pandemic. Also consider if any or all of these obligations may be performed remotely, or you are hindered from performing same based on subsisting lockdown regulations.
4.	Is there any provision for extension of time to meet your obligations under the contract?	Consider negotiating same with the counterparty if there is no such provision in the contract.
5.	Is there a provision for force majeure in the contract?	If yes, consider: a. the scope of events listed in the contract that constitute force majeure, and if the Pandemic falls within the scope;

		<ul style="list-style-type: none"> b. the stipulated period, if any, within which the contract can be put on hold on account of the occurrence of a force majeure; and c. next course of action if the Pandemic outlasts the period stipulated in b) above. e.g. to terminate/re negotiate the contract.
6.	Do you have outstanding rights under any contract?	<p>It would be expedient to consider:</p> <ul style="list-style-type: none"> a. If the right arose before or during the Pandemic; b. If any concession may be granted for the benefit of the obligor; and c. Discussing/negotiating same with the obligor

CONTRACTS RELATING TO EMPLOYMENT

	ISSUE	POSSIBLE ACTIONS
7.	Do you have subsisting employment contracts and/or an employee handbook?	<p>Review/procure same to establish your rights and obligations with respect to each employee including salary, length of annual leave, grounds and procedure for termination etc.</p> <p>Is the employee handbook incorporated into the employment contracts?</p>
8.	What is the status of employment of your employees?	Group employees based on their status i.e. full time, fixed term, part time etc. For part time staff who now work remotely, consider how the working hours are scheduled to maximize productivity.
9.	Does the nature of your business permit remote work?	<p>Evaluate:</p> <ul style="list-style-type: none"> a. if your business (or any part thereof) may be undertaken remotely b. the number of employees you require for the business to effectively function remotely
10.	Are there guiding rules for working from outside the office i.e. remote work policy?	Put a policy in place to prescribe the work ethics of employees who work from home.
11.	Are there employees who work or are unable to work remotely?	Evaluate the rights of employees who work from home and the rights of employees who are unable to work from home and your corresponding obligations in respect thereof, including salary, pension, tax etc.
12.	Are your employees mandated to be physically present at work during the Pandemic?	Evaluate the implication of this directive, particularly in light of the subsisting regulations of the Federal and State Government on the issue.

13.	Do you provide essential services?	Evaluate your actions, in the event that employees insist on working from home out of fear of being infected by the COVID - 19 virus. Evaluate your liability in the event that employees get infected with the virus in the course of work.
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COMPLIANCE WITH REGARD TO FILINGS WITH GOVERNMENT AUTHORITIES (CAC, FIRS, SEC etc.)

	ISSUE	CONSIDERATIONS/ POSSIBLE ACTIONS
14.	What regulators does the business interface with?	What is the status of your obligations (reporting, filing etc.) to each of the regulators?
15.	Are there any outstanding filing or reporting obligations owed to a regulator?	a. Did these obligations fall due prior to or during the Pandemic? b. What is the penalty for non-compliance? c. What are the guidelines (if any) of each of the regulators with respect to the Pandemic?
16.	Are there any obligations that will fall due sometime during subsistence of the Pandemic?	Refer to the guidelines (if any) of each of the regulators with respect to the Pandemic.

INSURANCE

	ISSUE	POSSIBLE ACTIONS
17.	Do you have any business interruption cover?	Discuss same with your insurance providers.
18.	Do you have any life/ health insurance cover?	a. Pay any outstanding premium on same. b. Plan your estate, & draw up a will in conjunction with your lawyer.

DISPUTE RESOLUTION

	ISSUE	CONSIDERATIONS/ POSSIBLE ACTIONS
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19.	Do you have any ongoing dispute resolution matters?	Identify: a. the nature of dispute resolution i.e. arbitration, litigation, mediation; b. where these matters are being heard i.e. the court, mediation venue, etc.; c. the stage of these matters and any process/steps that may be outstanding on your part; and d. if you are still within the limitation period as prescribed by statute.
20.	Do you have any threatened dispute resolution matters?	Identify the dispute and work with your lawyer to resolve same (virtually) during this period of the Pandemic.
IMMEDIATE ACTIONS		
	ISSUE	CONSIDERATION
21.	Do you have an in-house legal department/unit or are legal services outsourced?	If no legal representation is available in-house or outsourced, consider entering into a retainer with a law firm.
22.	Do you have an in-house HR department/unit or are HR services outsourced?	If no HR service is available in-house or outsourced, consider entering into a retainer with an HR Firm.
23.	How much longer can current cash reserves sustain the business?	Consider developing a communications strategy, working with your legal and HR team.

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