

## [ Alerts and Updates ]

### Preparing Your Workplace for a Potential Swine Flu Pandemic—A Checklist for Employers

**April 29, 2009**

As a result of the continued spread of the human swine flu across the United States, the U.S. Department of Health and Human Services declared a nationwide public health emergency on April 26, 2009. This does not mean that there is a pandemic. What it means is that warning signs indicate that a pandemic may develop. According to the World Health Organization, we are currently at phase 4 of the global influenza pandemic alert. Phase 4 is characterized by verified human-to-human transmission and signals the need for response and mitigation efforts.

Consequently, employers may want to pay close attention to these developments and implement policies and procedures to protect their employees' health and well-being, while limiting the economic impact of a potential pandemic on the workplace. A key component to responsible planning is relying on credible information from public health authorities.

Various resources are available to assist with planning for a potential pandemic:

- For health and infection control information, visit the Centers for Disease Control and Prevention (CDC) website at [www.cdc.gov/swineflu](http://www.cdc.gov/swineflu), which includes practical information and links to other valuable sites.
- For useful suggestions on preparing the workplace for a pandemic, visit the U.S. Department of Labor site at [www.osha.gov/Publications/OSHA3327pandemic.pdf](http://www.osha.gov/Publications/OSHA3327pandemic.pdf).
- For information about travel health warnings, visit the CDC website at [wwwn.cdc.gov/travel/content/SwineFluMexico.aspx](http://wwwn.cdc.gov/travel/content/SwineFluMexico.aspx).

Here are a few steps that employers may want to explore to make the workplace better equipped to deal with this potential health crisis. By planning now, employers are likely to minimize the risk of panic or loss of life later:

- Consult with appropriate health experts and provide employees with educational materials about the human swine flu virus.
- Encourage employees to seek medical assistance at the earliest sign of illness.
- Encourage employees to refrain from all nonessential travel to certain affected areas, as advised by the CDC.
- Discourage employees who have or may have the swine flu from coming to work until they are medically cleared.
- Equip the workplace with basic sanitation supplies, such as hand sanitizers and tissues, and ensure that all common areas are properly cleaned and disinfected, to minimize transition of the virus.
- Determine now all opportunities for later telecommuting and develop a plan for whether, when and how to cancel all nonessential face-to-face meetings if a pandemic should develop.
- Identify key employees and functions that are essential to your business and train other employees to perform these functions, so that these key employees and functions can endure, even with a potentially reduced workforce.
- Appoint a point person for flu-related leave requests and create procedures that may enable employers to handle an increased number of leave requests.
- Support employees who are out of work by reviewing and liberalizing leave policies, but recognize that what is done in this context may have precedent in other contexts.

- Be mindful of obligations under various federal and state labor and employment laws, such as the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA) and the Health Insurance Portability and Accountability Act (HIPAA); and do not deviate from previously established policies regarding medical testing and medical inquiries, unless this is done pursuant to dictates from public health authorities.

At this time, facts—and not fears—must control, to ensure that crisis planning does not result in pandemonium.

#### About Duane Morris

Duane Morris' employment attorneys assist clients with reviewing and drafting communicable diseases policies and provide guidance regarding employment law issues such as those that may arise as a result of the human swine flu outbreak.

#### For Further Information

If you have questions regarding how to prepare your workplace for a potential pandemic, please contact any [member](#) of our [Employment & Immigration Practice Group](#) or the attorney in the firm with whom you are regularly in contact.