



COVID-19 Preparedness

BRACEWELL

Employers across the world are responding to the developing information on the coronavirus (referred to as COVID-19). While there are many considerations, and many fact-specific considerations based on the nature of the workforce, employers should keep these tips in mind when developing internal response plans and procedures:

1. Prepare an employee communication that reminds employees about available resources both about the virus (e.g., through links to the Center for Disease Control (CDC) website) as well as about general ways to avoid spreading the virus. Helpful information can be taken from the CDC or World Health Organization (WHO) websites.
2. Human Resources representatives, as well as managers and supervisors, should be provided with a consistent message to respond to employee questions and concerns, and employees should be provided contact information to direct their questions.
3. Communication systems should be in place that enable employers to provide employees with timely updates and, if necessary, information about worksite closures. Likewise, employers should review their systems to ensure that they can support a potential situation where a significant number of employees need to work from home.
4. In some circumstances, employees have a right to refuse to perform their work if they believe it is not safe to do so.
5. Many employees have a right to discuss the terms and conditions of their employment with one another, including related to employer coronavirus response, and employers cannot have a policy or practice of preventing these discussions.
6. Wage and hour law, as well as employer policies, will affect how employees are paid in the case of a worksite closure or requirements to remain at work.
7. Employees who are absent from work may be entitled to leave from work under federal or state law or employer policy.
8. Texas law prohibits employers from terminating employees who cannot come to work or leave work under certain emergency circumstances.
9. Employers should promptly and thoroughly address any discriminatory or harassing conduct based on race or national origin in relation to countries from which coronavirus may have been transmitted.
10. Employers must be thoughtful in dealing with employees who may be ill to avoid claims that they are regarding the employee as disabled in manner that violates the ADA. Additionally, employers need to be thoughtful about maintaining information about an employee's diagnosis in a confidential manner, although some information may need to be shared to appropriate individuals if employees are diagnosed with the virus.

Contact your Labor & Employment lawyer to discuss any of these tips or questions you may have.