

Preparing Your Workplace for a Possible Flu Pandemic

With the possibility of a swine flu pandemic, several employment related concerns arise. Some concerns include how to ready your workplace, and how to address issues posed by sick employees who insist upon coming to work, and healthy employees who refuse to come to work for fear of getting sick. There are many things employers should consider doing now to be prepared.

Communication is key. Let your employees know that you are monitoring the situation closely, and intend to take steps necessary to ensure their safety.

Safeguard your workplace. Employers have a duty to provide a safe workplace. To that end, at a minimum you should consider having hand sanitizer available at work stations, in conference rooms and other common meeting or work areas, and near phones/copiers/printers and other equipment used by multiple parties. Communicate with cleaning staff about steps they may be able to take to further sanitize your workplace. You should also check the functionality of air purification and ventilation systems to reduce the risk of airborne transmission.

Enlist the support of your employees. Remind employees about measures that can be taken to reduce the spread of the virus (frequent hand washing, covering mouths with tissue when coughing or sneezing, not touching one's eyes, nose or mouth, etc.). Employees should also be encouraged not to come to work if they have the flu, or have been exposed to the flu. If you offer Employee Assistance Programs ("EAP"), let your employees know about the availability of EAP services to help them to address the stress that might accompany an outbreak.

Evaluate and adapt policies and practices as necessary. To address the issue of sick employees at work, employers may have to be more liberal with paid time off ("PTO"), or may consider modifying leave policies on an interim basis. Employers might also want to consider temporary alternate work arrangements if the flu makes its way into your workplace, such as allowing exposed employees to telecommunicate. You should also be prepared for the possibility that attendance could nosedive for an extended period.

Be mindful of legal obligations. In the event of a pandemic, the government may issue guidance giving employers more flexibility to aggressively address workplace related issues. Unless and until that happens, when you deal with individual cases you should be mindful not only of your PTO, leave and disability policies, but of potential Family and Medical Leave Act, worker's compensation, OSHA, safe place statute, privacy, discrimination, retaliation and other potential legal implications as well.

If you have questions, or if I may help you to better prepare your workplace for the possibility of a pandemic, please do not hesitate to contact me. This is truly one of those situations where the best defense may be a good offense; planning now is critical.



Lynn M. Stathas
Managing Shareholder

Reinhart Boerner Van Deuren s.c.
22 East Mifflin Street, Suite 600
Madison, WI 53703
www.reinhartlaw.com

Direct Dial: (608) 229-2205
Main: (608) 229-2200
Toll Free: (800) 728-6239
Fax: (608) 229-2100
Email: lstathas@reinhartlaw.com

[BIO](#)

Legal Secretary: Bev Schettler
Direct Dial: (608) 229-2254
Email: bschettler@reinhartlaw.com