

Who Says Pigs Can't Fly? Swine Flu Revisited

By Joëlle Khouzam

Many medical experts fear that swine flu (H1N1 virus) will recur this fall, possibly before a vaccine is available. What can your business do to prepare for a possible recurrence? Employee education and the implementation of the following steps are critical to every company's planning.

Begin by posting reminders to visitors and employees to cooperate in maintaining a healthy environment. Give clear suggestions about how they can do this:

- Cover noses and mouths when sneezing
- Throw used tissues away
- Cough into elbows rather than hands
- Frequently wash hands with soap and water
- Use hand sanitizer between washings
- Avoid excessive touching of the nose, mouth or eyes

By providing friendly reminders in lavatories or common areas, providing dispensers of antibacterial, disinfectant sprays, disinfectant wipes, and trash receptacles, and encouraging frequent wiping of germ-hosting surfaces such as customer counters, phones, keyboards, doorknobs and handles, you will substantially reduce exposure.

If there is a confirmed case of swine flu at your company, urge employees to wear protective face masks and see their doctor at the first sign of any symptoms. Affected persons should remain at home for at least seven days. Management should be well-informed of companies' and employees' rights and obligations under the Family and Medical Leave Act and other leave laws that may apply, as well as the confidentiality obligation in the Americans with Disabilities Act and the General Duties clause of the Occupational Safety & Health Act.

The Center for Disease Control and Prevention has posted information about swine flu symptoms on its website. Sharing this information with employees on an intranet site or other means is another step toward limiting contagion. Adult symptoms include:

- Difficulty breathing or shortness of breath
- Pain or pressure in the chest or abdomen
- Sudden dizziness
- Confusion
- Severe or persistent vomiting
- Flu-like symptoms improve but then return with fever and worse cough

The symptoms are slightly different for children. Information and updates on the swine flu vaccine and other health tips are available at <http://www.cdc.gov/H1N1flu/qa.htm>.

In the event that swine flu becomes more widespread and affects employee attendance or your business traffic, you should proactively identify functions critical to your operations and determine how those functions will be handled or whether they will be temporarily suspended.

Businesses should consider written pandemic and communicable-disease emergency policies. Such policies can address personal hygiene requirements, who may order employees home or order business closings, whether the company will provide shots to employees, what precautions employees are required or encouraged to take, what the company will provide to insure that tasks are safely performed (i.e., masks, gloves, respirators, etc.), whether wages or benefits are available to leave-taking employees, how business closures or reductions may be communicated to employees and customers, who is responsible for contacting reporting agencies or the media, and other business continuity issues.

Businesses should also make contingent plans for insuring their sources of supplies and distribution means. If appropriate for certain industries such as the health care professions, advice should be sought from medical consultants or local boards of health and the CDC.

For more information about pandemic policies and leave issues, please contact Joëlle Khouzam or your CPM attorney.