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# TIPS TO HANDLE AN INFECTIOUS DISEASE OUTBREAK

Frequently Asked Questions





# HOW TO HANDLE AN INFECTIOUS DISEASE OUTBREAK

MERS in the Middle East in 2012 – 2013. Ebola in West Africa in 2014 – 2016. Zika virus in South and Central America in 2016 – 2017. Pandemic influenza in the U.S. in 2009 and 2018. Coronavirus (COVID-19), beginning in China in late 2019 and spreading throughout the world in early 2020.

Infectious disease outbreaks happen around the world on a regular basis. And with a mobile society that travels often, even diseases primarily confined to a specific area have the potential to appear anywhere. Accompanying that threat is often fear, fueled by both legitimate and questionable news sources that go viral and quickly spread online.

As awareness of infectious disease rises in our world, so does the desire to prevent exposure and manage any occurrence in the workplace. When we consider other communicable diseases — H1N1, HIV, hepatitis, and the common cold or flu — we know what to do and how to do it. So why is it that we suddenly become paralyzed by a new pandemic ailment? All too often, it's a lack of knowledge.

When an outbreak happens, it's important to communicate your company's concern for the well-being of your workforce and accurate information pertaining to the:

- ✔ Risks associated with the disease;
- ✔ Measures being taken to mitigate those risks; and
- ✔ How existing company policies work with the current situation.

The following questions from our customers and the detailed responses from our Live Advisors regarding infectious disease outbreaks offer some guidance.



**What are a company's concerns, rights, and responsibilities if an employee travelled to an area where there has been an infectious disease outbreak and is now back at work?**

**We have an employee taking vacation time to volunteer to assist with an infectious disease outbreak in another country. What can we do as an employer to address concerns from his colleagues upon his return?**

**Our staffing firm places employees in caregiving roles, and we require employees to certify that they are free of any communicable disease prior to placement. One of our employees is going on vacation to an area affected by an infectious disease outbreak, and we would like to understand our options regarding allowing her to return to work.**

Employers have a general duty to protect employees from recognized hazards in the workplace. The Occupational Safety and Health Administration (OSHA) requires employers to provide a place of employment that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm.”

However, it's rarely necessary to keep asymptomatic employees out of work following travel to an area affected by an infectious disease outbreak. For example, during the Ebola outbreak of 2014, the Centers for Disease Control and Prevention (CDC) instead recommended specific precautions and encouraged people to monitor their health for 21 days following potential exposure.

During an infectious disease outbreak, it's likely that most employers do not need to take any specific actions, unless the government outlines a different strategy. In this case, here are a few steps employers may take.

- ✔ Stay calm. Educate employees about:
  - ▶ How the disease is spread;
  - ▶ Its symptoms; and
  - ▶ Best practices to avoid transmission.
- ✔ Encourage employees to self-report any potential symptoms (either for themselves or family members who have recently returned from one of the affected areas).
- ✔ Encourage employees to request PTO or a leave of absence if symptoms develop.
- ✔ Establish an emergency preparedness plan that includes:
  - ▶ Reporting procedures;
  - ▶ Communication plans; and
  - ▶ Medical options.



The [CDC website](#) generally recommends specific precautions for people traveling to an area affected by a current infectious disease outbreak and encourages people to monitor their health following potential exposure.

If you remain concerned about potential exposure and liability, we recommend consulting legal counsel for definitive guidance and risk assessment.





### **What obligations does an employer have to provide training or education about an infectious disease outbreak to employees who travel to places affected by the outbreak?**

It is always a best practice to provide an employee with information about any country they will be visiting for work-related purposes, including cultural, medical, social, financial, and emergency travel. If an employee travels to a country in the midst of an infectious disease outbreak, it can be understandable that they may express concerns and fears about working there. The [CDC website](#) will serve as the best source for prevention, symptoms, and treatment guidelines.

Until the situation stabilizes, you may wish to consider alternative working arrangements to ensure the health and safety of your employees. If travel to an impacted area is essential to the business, consult with your labor attorney regarding your options and potential employment risks.

### **An employee is requesting a leave of absence due to fear of contracting an epidemic infectious disease at work. How long may an employee be allowed to take leave and how long is the employer required to hold the position open?**

#### **If employees have concerns regarding the transmission of an infectious disease from co-workers who have been in the proximity of an area affected by an outbreak, can these employees be absent from work? What type of absence would this be considered? Would these employees be eligible for Family and Medical Leave Act (FMLA) leave?**

An employee does not have job protection if they take a leave of absence due only to their fear of the epidemic infection. Leave may be required under the Family and Medical Leave Act (FMLA) only if the employee or an eligible family member becomes seriously ill as a result of the infectious disease.

If the company has a policy in place allowing employees time off for personal matters, then that policy could be applied in this case up to the duration of allowed time. If the company does not have a policy or past practice for allowing time off, the company may consider the time off request based on the needs of the business.

Any employee requesting time off because of a fear of the disease should use any accrued vacation time as per your company policy. Otherwise, the time off may be unpaid time off.

## With the latest infectious disease scare, we would like to develop a policy and procedure to minimize health risks from employees coming into the office while they are sick.

It is a good idea for your organization to implement appropriate safety measures for employees, including having policies and procedures in place that are designed to minimize potential issues caused by exposure to illnesses in the workplace.

Your policy related to employee illness can be simple or contain a detailed plan specifying certain procedures for different types of illnesses. Most employer policies contain:

- ✔✔ A statement that employees should not come to work if they have been diagnosed with a contagious disease so as not to infect others in the office;
- ✔✔ Procedures for notifying appropriate personnel of the absence;
- ✔✔ An outline of the process (if applicable) to work remotely if authorized by the employee's physician; and
- ✔✔ Procedures for notifying appropriate personnel and medical certifications required for the return to work.

As with any new employer policy, review it with legal counsel for compliance with relevant statutes in your industry and state prior to implementation.

## Our sales team is traveling to a trade show in a major U.S. city and one of our sales representatives is scared to travel due to the possibility she could be exposed to a traveler from a foreign country experiencing an outbreak of an infectious disease. Her manager told her it was mandatory and refusal to go could result in termination of employment. What can we do?

Talk with the employee to better understand her fears about the upcoming event. Is it really the fear of travel due to the risk of being exposed to the disease? Or are there other concerns about traveling with the team or attending the sales event? Once you understand the real issues for the refusal to participate, you will be better able to decide on the options available to the company and the employee.

If the employee's reason for not attending the event is due to a medical or emotional issue that she did not want to discuss with her manager, then treat this as you would other work requests for accommodation. If there is a real medical concern, then ask the employee to provide medical certification to support the request not to travel. If there are issues in the work group that are making the employee uncomfortable, such as harassment, then manage that according to your regular human resources procedures.

If the concern is simply related to the fear that she might somehow contract the infection due to travel and being at a large event in contact with diverse groups of people, even where there is no evidence of contagion, then provide her with education about the disease including signs and symptoms, transmission, and prevention. The most complete information will be available on the [CDC website](#). You can reinforce that the company would never consciously put any employee at risk and that the government has determined the level of risk that is acceptable. Explain to her that she will have to educate herself on this concern, understand that the risks are minimal at this time, and determine if she can perform her job effectively if it does require travel as an essential job function.

While it is important to be compassionate, it is also important to require that she understands that her job needs to be done. She will need to manage her fears along with the essential functions of her job or consider doing another job that does not require travel. If you have jobs in the organization that she could do that do not require travel, consider offering her that option. To mitigate your employment risks, seek legal counsel prior to taking negative employment action.



**Is there something I should post for our employees regarding a current infectious disease outbreak? We are a laboratory and do have some exposure to bodily fluids, including blood and saliva.**

While not generally required for most companies, some employers choose to distribute information about infectious disease outbreaks in an attempt to educate employees and calm concerns about transmission. The most accurate and up-to-date information can be found on the [CDC website](#).

Because you are connected to the healthcare industry, the best practice would be to check with your licensing body and workers' compensation or general liability insurance broker or carrier to see if there are specific steps you are required to take.

