



**Practical Pandemic
Preparedness Applied to Ebola**

FISHER & PHILLIPS LLP

A T T O R N E Y S A T L A W

Solutions at Work[®]

*Representing employers nationally in labor,
employment, civil rights, employee benefits, and immigration matters*

www.laborlawyers.com

Practical Pandemic Preparedness Applied to Ebola

Many employers may be familiar with pandemic preparedness, having dealt with several serious influenza outbreaks and H1N1 virus over the past several years. Ebola virus, however, presents a different type of challenge for employers. For one, based on current medical evidence, Ebola appears to be much more deadly (some sources reporting at least a 70% mortality rate) than other viruses to which employees are commonly exposed. Coupled with extensive media coverage of the Ebola outbreaks in the United States (two confirmed transmissions in Dallas to date), employers around the country are currently dealing with how to handle employee and customer questions and concerns about the spread of Ebola.

The U.S. Government, including officials with the White House, the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC) and other agencies are working closely with officials in countries where human cases have been identified, including Liberia, Guinea, and Sierra Leone, as well as with the World Health Organization.

Background on Ebola Virus

Employers should monitor CDC and other sources and remain knowledgeable about Ebola to help dispel inaccurate concerns which can fan public hysteria. According to the CDC, Ebola is a rare and deadly disease caused by infection with one of the Ebola virus strains. Ebola is spread through direct contact (through broken skin or mucous membranes in, for example, the eyes, nose, or mouth) with:

- Blood or body fluids (including, but not limited to, urine, saliva, sweat, feces, vomit, breast milk, and semen) of a person who is sick with Ebola
- Objects (like needles and syringes) that have been contaminated with the virus
- Infected animals

According to the CDC, Ebola is not spread through the air or by water, or in general, by food. Healthcare providers caring for Ebola patients and the family and friends in close contact with Ebola patients are at the highest risk of getting sick because they may come into contact with infected blood or body fluids of sick patients. During outbreaks of Ebola, the disease can spread quickly within healthcare settings (such as a clinic or hospital). Exposure to Ebola can occur in healthcare settings where hospital staff are not wearing appropriate protective equipment, including masks, gowns, gloves and eye protection.

Ebola can only be spread to others after symptoms begin. Symptoms of Ebola, including fever, severe headache, muscle pain, weakness, diarrhea, vomiting, abdominal pain, and unexplained hemorrhage (bleeding or bruising) may appear anywhere from two to 21 days after exposure to Ebola, but the average is eight to 10 days. Recovery from Ebola depends on good supportive clinical care and the patient's immune response. People who recover from Ebola infection develop antibodies that last for at least 10 years.

Additional information about Ebola can be found at the CDC's [Ebola page](#), or the World Health Organization's [Ebola page](#).

Addressing Workplace Ebola Pandemic Issues

For most employers, protecting their employees during an Ebola pandemic will depend on two basic approaches: emphasizing “common sense” hygiene (cleaning hands and decontaminating surfaces) and practicing “social distancing.” Social distancing means reducing the frequency, proximity, and duration of contact between people (both employees and customers) to reduce the chances of spreading Ebola virus from person-to-person. Employers may take additional protective measures, including engineering changes, procedure changes, and requiring the use of personal protective equipment, based upon the specific occupational exposure risk of their job tasks and workplace. Use of respiratory protection (respirators) and barrier protection (facemasks) may be components of a comprehensive plan to prepare workplaces for an influenza pandemic, but employers must comply with applicable OSHA standards.

To assist employers in preparing for Ebola, the Occupational Safety and Health Administration (OSHA) has provided information regarding Ebola and the applicable OSHA standards for employers on its [Ebola page](#). The EEOC has also prepared a technical assistance document designed to help employers navigate their response to pandemics with regard to their obligations under the ADA: [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](#). In this planning, employers should consider “non-occupational exposure risks,” such as commuting to and from work on public transportation (e.g., bus or train) or other community exposures, such as shopping.

Critical employers, such as law enforcement, emergency response, or public utility employees should consider upgrading protective measures for their employees due to the urgent necessity of their services and the difficulty in replacing them due to extensive training or licensing requirements.

Proactive Workplace Pandemic Strategy and Checklist

The pandemic potential raises many questions and no easy answers. However, all employers should emphasize certain communication points in responding to the current Ebola outbreak. First, you should immediately communicate with employees regarding the effect, if any, of Ebola in their workplace, emphasizing the company's willingness to take steps to protect their health. Second, employers need to reassure their employees that there is no need to panic based on a non-specific fear of Ebola exposure in the workplace. Legal problems flow from knee-jerk responses by employees and employers alike.

Part of every employer's strategy in dealing with Ebola and a potential pandemic should include: (a) following the guidance from the CDC and other public health services, (b) designating specific individuals to answer all questions involving Ebola (after consultation with medical and legal counsel) so that the company will act in a consistent and thoughtful fashion, and (c) plan ahead for potential disruption, reassignment of employees, and response to their concerns.

FISHER & PHILLIPS LLP

A T T O R N E Y S A T L A W

Solutions at Work[®]

*Representing employers nationally in labor,
employment, civil rights, employee benefits, and immigration matters*

www.laborlawyers.com

Atlanta Baltimore Boston Charlotte Chicago Cleveland Columbia Columbus Dallas Denver Fort Lauderdale
Gulfport Houston Irvine Kansas City Las Vegas Los Angeles Louisville Memphis New England New Jersey New Orleans
Orlando Philadelphia Phoenix Portland San Antonio San Diego San Francisco Tampa Washington, DC