



There are several common sense actions that prevent flu that employers can use from urging thorough hand-washing to encouraging those under the weather to stay at home to mandatory vaccinations, Charles S. Caulkins of Fisher & Phillips says.

Employers' common sense can ease flu

Commentary by Charles Caulkins

You can't open the paper, turn on the TV or peruse a web site without hearing some staggering statistic about the flu. In one report, 70 percent of the



American population is suffering from the flu — or just recovered. In fact, Boston and Chicago had to take dramatic action with Boston declaring a state of public health emergency and some

Caulkins Chicago hospitals turning patients to other facilities.

This kind of outbreak takes its toll on people and on business. How should employers handle it?

Common sense

There are several common sense actions that employers can use from urging thorough hand-washing to encouraging those under the weather to stay at home and reduce the contagion. Keeping a supply of antibacterial or waterless soap on hand is also an easy step to take and has had some positive effects in reducing sickness.

Employers may also want to temporarily alter the paid time off policy to lessen the possibility that sick employees will rush back to work. On a more dramatic level, employers should educate employees about the flu vaccine and its benefits. Doctors report that this year's vaccine is effective against the most prevalent flu strain.

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Mandatory vaccination

While the benefits are well-known, there is definitely controversy over vaccination requirements. Many individuals refuse to comply, although in some industries, such as health care, employment terms include flu shots.

For the average work force, an individual may balk at the request, although the Center for Disease Control is clear in its support of the vaccination.

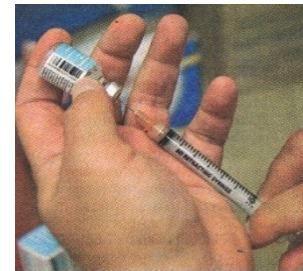
OSHA and the EEOC have largely tapped into the CDC policies to determine the applicability of mandatory flu shots, and in the assessment of handling infectious diseases. A risk assessment is essential in making such a determination, and quite sensibly, the nature of the workplace and the responsibilities of the employees will be a major factor. Certainly some jobs and some businesses will face far more serious problems with the flu than others, and employers need

to take into consideration many elements when an employee objects to the vaccination.

Is it a religious conviction? Is it a health concern? Is it a simple fear of needles?

The EEOC position is that the employer must interact with the employees who offer objections, whether religious or health based, which then may fall under ADA guidelines.

A unionized employer must also adhere to its collective bargaining agreement and may have a duty to bargain about flu prevention policies.



Take Action

- Because the health of its employees is essential in any business, employers are urged to be proactive and to provide information and access to preventive health measures.
- First and foremost, educate employees about the severity of the flu, and the benefits of vaccinations. Offer links to articles and statistics — the CDC has many — that show relatively few risks to vaccinations.
- As simple as it seems, hand-washing is imperative in containing the flu. Provide hand washing opportunities, Purell or other anti-bacterial supplies, cleaning supplies for desks and phones, and clean water.
- Discourage sick employees from coming to work.
- For specific industries, particularly travel and hospitality, food service and health care, perform a risk analysis and keep everyone apprised of your findings.
- Suggest, encourage, perhaps even mandate flu shots. Deal one-on-one with those who may not be comfortable with getting vaccinated.

The flu is an annual issue, but this year it's reaching further into the populations. Businesses and companies can be adversely impacted if employers don't take precautions. The actions are simple — the results are very helpful.

Charles S. Caulkins is the managing partner of the Fort Lauderdale office of Fisher & Phillips and a member of the firm's management committee.