



Easing Ebola Fears in the Workplace

News

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Howard Mavity was quoted in the *Employee Benefit News* article “Easing Ebola Fears in the Workplace” on October 17, 2014. The article addressed the rising concerns of employers regarding the Ebola outbreak and reinforced the importance of re-examining workplace travel policies and pandemic plans.

It’s not a time to panic, but it’s important to be prepared, said Howard. Ebola is “a controllable malady; it’s not that easily contracted, and employers need to take a breath,” Howard said.

“As best we can tell from the CDC guidance, if someone’s been traveling in West Africa and the questionnaire’s been completed accurately and you can rule out contact [with Ebola] and they don’t have a fever, it’s safe to return to work,” said Howard. “Some employers I’ve talked to are taking [employees’] temperatures or having them do it at home, but they’re not saying ‘You have to stay home for 21 days’ simply because they were in West Africa.”

In fact, Howard cautioned, requiring workers to stay home for a period of time after they’ve traveled to any of the affected countries in Africa, which include Guinea, Liberia and Sierra Leone, may run afoul of the Americans with Disabilities Act.

“If you wanted to have a blanket-wide rule that said employees must stay home if they have a fever, you could,” Howard explained. “But I think if you enforce that rule simply because you think the person might’ve been exposed to Ebola, I think that would be perceived as an adverse action against someone you wrongly perceive to have a disability condition.” And that, said Howard, is a violation of the ADA.

Howard suggested that HR directors communicate to supervisors that if there are any issues or concerns in the workplace about Ebola, that supervisors take those concerns to HR and not react in isolation. “People get sued when they do things in a knee-jerk fashion,” Howard stated. “Don’t take adverse action without getting guidance.”

Howard also advised employers to stay on top of any guidance issued by the Centers for Disease Control and Prevention. “What we’ve learned over the years with a succession of flu pandemics and with AIDS, Hepatitis, MRSA [antibiotic-resistant staph infection] – all these infectious diseases that may show up in a workplace – we’ve learned that generally you can avoid a successful legal challenge if you track the direction of the CDC and the public health services,” said Howard.

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However, employers should not assume they have no risk. “Every employer ought to take some steps,” said Howard. Still, Howard advised everyone in general to “chill out. It’s never helpful in these scenarios for people to just flip out. ... When people get scared and act irrationally, they get their employers sued.”

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