



Contagious Diseases in the Workplace

News

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Sue Schaecher was quoted on *Lovetoknow Blogs* on December 15, 2014. The article “Contagious Diseases in the Workplace” discussed what steps employers should take if one or more of their employees develops an infectious disease that is highly contagious.

Sue said, “The Occupational Safety and Health Act’s General Duty Clause requires employers to keep their workplace free of recognized hazards that can cause death or serious harm to workers.”

She added, “The Act also prohibits employers from retaliating against employees for exercising their rights under the law, including the right to raise a health and safety concern or report an injury.”

Sue pointed out, “The Occupational Safety and Health Administration (OSHA) posts Safety and Health Topic sheets on its website containing information on various topics, including information on specific diseases, specific industries and pandemic preparedness.” For example, OSHA has Safety and Health Topic Sheets on Ebola and Pandemic Influenza.

Sue advised, “If an employee has an infectious, highly contagious disease, the employer should look to recommendations issued by the Centers for Disease Control (CDC) or the National Institute for Occupational Safety and Health (NIOSH) or a similar authoritative source to educate itself about the disease and determine whether the employee truly (and currently) presents a risk of serious harm to others.”

Then, Sue stated, “To answer any questions, the employer should obtain competent medical advice.” She added, “If there is a business necessity for requiring the employee to stay home, and requiring the employee to stay home would not be in any way discriminatory, the employer should follow the recommendations, including when the employee can safely return to work.”

Sue listed other factors that employers must consider:

- “Whether the employee qualifies for sick leave or a leave of absence under the Family and Medical Leave Act, state leave law, an employer disability policy, or other policy”
- “Whether the employee will be paid during the leave time”

- “Whether the illness arose out of and in the course and scope of employment and, if so, whether the employer should file a report under its workers’ compensation policy”

Sue stated, “If the risk to others is high enough to require the employee to stay home, the employer needs to evaluate whether it has a duty to warn other employees or third parties such as customers, vendors or contractors that they may have been exposed.”

To read the full article, please visit [*Lovetoknow Blogs*](#).

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