



What Employers Should Do About the Flu — A Legal View

News

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Dianna Bowen was quoted in the *Dallas Business Journal* on January 8, 2015. The article “What Employers Should Do About the Flu — A Legal View” discussed how Flu cases not only pose risks for individuals, but also threaten businesses whose productivity can decrease as employees stay home to avoid infecting others or work at half-speed because they’re feeling less than 100 percent.

Dianna was quoted on how employers should respond, including what to do if a sick employee insists on coming to work, and what to do if a seemingly healthy employee prefers to stay home.

Dianna said, “Employers should be more flexible about leave policies and encourage sick employees to stay home and not bring further illness into the work environment. They can also require employees sidelined by the flu to get a doctor’s note declaring them fit for duty before they return to work.”

When employees object to coming to work because of flu fears, it’s best for employers to examine the objection on an individual basis, Dianna noted.

“What the EEOC and the courts are going to look at is whether the employees’ objections are reasonable,” Dianna said. “For example, if you have an employee who is going through cancer treatments and has a very low immune system, that employee may be treated differently than an employee who just says ‘I just can’t come to work because I can’t get sick.’ You have to look at it case by case rather than just having a blanket rule.”

Employers should also take the outbreak as an opportunity to educate their employees about washing their hands, she said. Businesses should limit in-person meetings, and they should consider vaccination clinics at the workplace, she added.

Employers can require mandatory flu shots, but should do so with care, Dianna said. Anti-discrimination laws can come into play if employees request an exemption to the vaccination based on a disability or a religious belief, Dianna said.

“You do have to be careful with mandatory requirements for vaccines or with mandatory requirements to make employees stay home,” Dianna said.

To read the full article, please visit the [*Dallas Business Journal*](#).

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