

## FOR EMPLOYERS: HOW TO DEAL WITH FLU SEASON

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Influenza season has arrived in the Delaware Valley in a year that has seen a flu epidemic in nearly every U.S. State.

In addition to becoming knowledgeable about steps to reduce flu risks in their workplaces, employers should also learn about the employment law challenges this medical problem can present.

Hospitals and other health care employers commonly require employees to receive flu vaccines as a condition of employment; many other employers urge their workers to receive flu shots, and even make them available at their work sites. Employers during the flu season or an epidemic also often require employees to adopt infection-control practices, such as regular hand washing, or, especially in healthcare settings, wearing personal protective equipment.

It is not uncommon for employees to refuse inoculations for reasons related to their religious or other beliefs. Title VII of the Civil Right Act of 1964 defines religion as "all aspects of religious observance and practice, as well as belief," and protects employees with such sincerely held bona fide beliefs.

There are numerous laws which might provide leave entitlements to employees who are out sick with the flu. Last year an amendment to Chapter 17-1300 of the Philadelphia Code was amended to require some employers, including the City of Philadelphia and certain of its contractors, to provide up to 56 hours of paid sick leave under circumstances described in that law.

**Practical Steps.** Effective employer practices to minimize employment-related legal risks during the flu season may include:

- Creating procedures and a flu season team which takes steps to reduce health risks in the workplace, and to address employment-related matters, such as if employees refuse required flu shots, or ask to work from home for flu-avoidance reasons.
- Considering the creation of forms for employees requesting exemptions from any required inoculations based on religious, disability or medically-related reasons, with a team available to review and resolve any such requests in a professional and expeditious manner.
- Conducting flu season training for supervisors.
- Ensuring management takes appropriate interim safety steps when employee issues regarding the flu arise.

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