



# Monkeypox: What, If Anything, Should Employers Do?

Insights

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Given the recent trauma many employers experienced due to the COVID-19 pandemic, proactive employers are wondering what, if anything, they need to do about the monkeypox virus, which was recently declared a global health emergency. The [World Health Organization \(WHO\)](#) and [U.S. Centers for Disease Control and Prevention \(CDC\)](#) have reported increased cases of monkeypox since May in Europe and North America – where the disease is not regularly found – with more than 23,000 confirmed cases worldwide and 5,800 in the United States. In fact, California, New York, and Illinois have all declared states of emergency over the current outbreak and further local jurisdictions seem sure to follow suit. And while monkeypox is not expected to reach pandemic levels, you may want to prepare for a potential outbreak by creating a written infectious disease policy and reviewing other key workplace policies. This Insight addresses a few commonly posed questions to aid employers that are wondering: What is monkeypox and what do we do now?

## What is monkeypox?

According to the [CDC](#), monkeypox was first discovered in 1958, with the first human case recorded in 1970. The virus is described as “a rare disease caused by infection with the monkeypox virus, which is part of the same family of viruses as variola virus, the virus that causes smallpox.”

## How does monkeypox spread?

The name is a bit of a misnomer, since monkeypox is not spread only by monkeys. The virus spreads primarily through close personal contact with the infectious rash, scabs, or body fluids, respiratory secretions during prolonged, face-to-face contact, [according to the CDC](#). But it also can be spread by touching items (such as clothing or linens) that previously touched the infectious rash or body fluids, or by a pregnant woman to the fetus through the placenta. Monkeypox may also be spread from contact with infected animals, but the most recent outbreak has been reportedly through human-to-human transmission.

Symptoms are similar to smallpox symptoms, but milder. They include fever, rash, lymph node swelling, muscle aches, and chills. Fortunately, according to the CDC, monkeypox is rarely fatal.

Monkeypox spreads from the start of symptoms until the rash has fully healed and a fresh layer of skin has formed, with the illness lasting typically two to four weeks. Asymptomatic persons cannot spread the virus to others, according to the CDC.

## Are there any safety and health considerations for monkeypox that employers should consider?

The short answer is yes, given that employers have a duty to provide and maintain a workplace that is free of recognized hazards. And while the Occupational Safety and Health Administration (OSHA) has not yet provided guidance regarding monkeypox, the CDC recently provided Isolation and Prevention Practices for People with Monkeypox, which employers should consider.

According to the CDC, people with monkeypox should remain isolated at home or at another location for the duration of illness. If they can't, the CDC provides suggestions for prioritizing isolation and source control strategies to help prevent transmission:

- While symptomatic with a fever or any respiratory symptoms, including sore throat, nasal congestion, or cough, remain isolated in the home and away from others unless it is necessary to see a healthcare provider or for an emergency.
- Avoid close or physical contact with other people and animals.
- Cover the lesions, wear a well-fitting mask (more information below), and avoid public transportation when leaving the home as required for medical care or an emergency.
- While a rash persists but in the absence of a fever or respiratory symptoms:
- Cover all parts of the rash with clothing, gloves, or bandages.
- Wear a well-fitting mask to prevent the wearer from spreading oral and respiratory secretions when interacting with others until the rash and all other symptoms have resolved.
- Fit the mask closely on the face without any gaps along the edges or around the nose and make sure it is comfortable when worn properly over the nose and mouth.
- Until all signs and symptoms of monkeypox illness have fully resolved:
- Do not share items that have been worn or handled with other people or animals. Launder or disinfect items that have been worn or handled and surfaces that have been touched by a lesion.
- Avoid close physical contact, including sexual or close intimate contact, with other people.
- Avoid sharing utensils or cups. Items should be cleaned and disinfected before use by others.
- Avoid crowds and congregate settings.
- Wash hands often with soap and water or use an alcohol-based hand sanitizer, especially after direct contact with the rash.

Notably, the above recommendations do not apply in healthcare settings. The CDC urges healthcare providers to follow the CDC's Infection Prevention and Control of Monkeypox in Healthcare Settings.

An essential lesson employers learned from the COVID-19 pandemic is the importance of developing a written plan to keep employees safe and to show what measures have been taken to keep employees healthy. While a comprehensive monkeypox policy may be premature, you should

consider developing a written infectious disease policy that can be utilized if faced with an outbreak of monkeypox or any other infectious disease.

## **Don't Forget the Basics**

You may want to review and refresh your policies on sick leave, reasonable accommodations, discrimination, harassment, and retaliation. Monkeypox doesn't appear to be a huge concern for workplaces at this time. However, if it becomes one, you should already be well prepared to deal with infectious disease in the workplace due to lessons learned during the COVID-19 pandemic.

The most important lesson of all is: *Don't forget the basics*. When it comes to employees getting sick, it's important to continue following your workplace policies regardless of the virus at hand. Employees who call in sick or are sent home to isolate due to monkeypox may be entitled to use sick leave (or vacation or other paid time off (PTO) accruals, depending on your policy). Employees who contract monkeypox may also be entitled to reasonable accommodations under the Americans with Disabilities Act (ADA) or similar state laws.

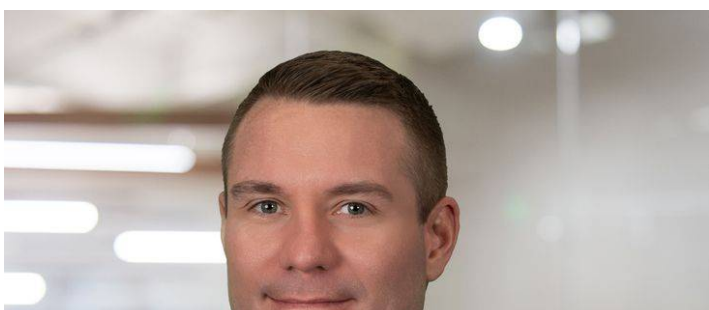
Now may be a good time to remind managers and supervisors about the importance of carefully considering or escalating unusual requests for leave, as failing to reasonably accommodate employees or treating sick employees differently than other employees creates a risk of discrimination claims for employers.

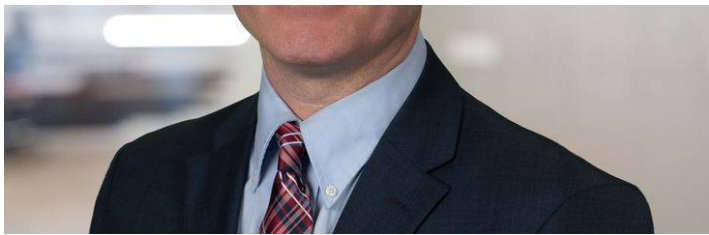
Especially due to reports that there have been higher rates of transmission of monkeypox between gay or bisexual men, employers may also want to review their anti-discrimination, harassment, and retaliation policies – and monitor workplace interactions – to get ahead of any stigma or misunderstandings surrounding transmission of the virus.

## **Conclusion**

We will continue to monitor these developments and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information. For further information, contact the authors of this Insight, your Fisher Phillips attorney, or any member of our Workplace Safety Practice Group.

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