



Weekend Workplace Ebola Update - October 19

Insights

10.19.14

In addition to my own blogging and interviews, Fisher Phillips is developing more resources to continually update and assist employers in responding to challenges in the workplace caused by Ebola or the fears that the disease engenders. Today, however, we'll again use the F & P Workplace Safety Blog.

First, for background, please review my two blogs this weekend; the first which **provides an overview**(<http://www.workplacesafetyandhealthlaw.com/post/2014/10/17/Ebola-in-the-Workplace-Update.aspx>), and the second which explains **how labor lawyers** <http://www.workplacesafetyandhealthlaw.com/post/2014/10/17/Ebola-in-the-Workplace-Update.aspx> **weigh the risks** presented by an infectious disease. we're lawyers and we follow the evolving public health guidance. Employers get sued when they deviate from the public health guidance or act in a knee jerk fashion. employers should feel and be motivated by a sense of urgency, but panic causes problems. We're at urgency level

Below are LINKS to articles we've written or for which I have been interviewed:

USA Today (10/15) <http://www.usatoday.com/story/money/business/2014/10/15/businesses-grappling-with-ebola/17320881/>

CNBN (10/15) <http://www.cnn.com/id/102091513>

Forbes Blog (10/16) <http://www.laborlawyers.com/ebola-meet-the-ada-advice-for-employers-on-handling-the-outbreak>

Wall Street Journal Law Blog (10/19) <http://blogs.wsj.com/law/2014/10/16/businesses-grapple-with-ebola-fears-in-the-workplace/>

Employee Benefits News

http://ebn.benefitnews.com/news/ebn_co_benefits_communication/easing-ebola-fears-in-the-workplace-2744425-1.html

New Developments

I know that my comment sounds harsh, but the U.S. should be thankful for the chance for Emory and other healthcare centers to refine their approach to Ebola in the context of a few patients. We needed the wake up call. Pray for or keep the current patients in your thoughts, but be thankful that

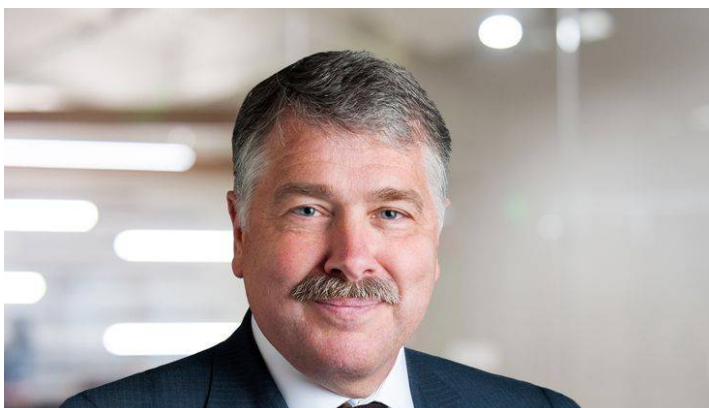
we have the relative luxury of learning our failings without descending into the problems that a large number of cases would pose. and as our knowledge of the disease grows, lawyers refine their legal analysis.

1. The Administration appointed an "Ebola Czar." I'd have preferred to see an experienced healthcare leader such as the head of NIOSH, but V.P. Biden's former chief of staff is smart and politically astute. Let us hope that the Administration and both parties put aside political maneuverings and recriminations until later.
2. The CDC has announced new protocols for healthcare workers but has not meaningfully changed the vast majority of its positions and guidance.
3. Putting aside conspiracy theorists, there are many things that we do not yet know and the public must push for transparency and an objective analysis of developing facts.
4. OSHA has established an Ebola page, which includes useful new Guidance on Cleaning Up After Ebola.
5. Unions and employee groups are reflecting employee concerns as well as using concerns about Ebola to sign up members. While some of the efforts are opportunistic, employers, especially in healthcare, would be wise to listen to their concerns.
<http://dtolar.wordpress.com/2014/10/01/ebola-a-nurses-perspective/>
6. Schools in Ohio and Texas may or may not have overreacted about concerns of students being explored, but their experiences have allowed schools to better apply public health guidance to their settings. I am not exaggerating when I say that schools this week moved more to a "better safe than sorry approach."

More tomorrow.

Howard

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