



News & Trending

PUBLICATIONS & ALERTS

ETRENDS - UPDATED GUIDANCE FROM THE EEOC AND OSHA ON PANDEMIC INFLUENZA PREPAREDNESS

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The Equal Employment Opportunity Commission (“EEOC”) and the Occupational Safety and Health Administration (“OSHA”) recently published updated guidance on best practices for employers during a pandemic influenza outbreak.

The EEOC guide provides information on how employers can manage their workforce during a pandemic influenza outbreak, while maintaining compliance with the Americans with Disabilities Act (“ADA”). Employers may be particularly interested in the EEOC’s guidance providing that employers may require employees who display influenza-like symptoms to stay home and may ask employees if they are experiencing influenza-like symptoms when they call in sick. The EEOC also suggests that employers consider encouraging employees to get the influenza vaccine, but warns that some employees may be entitled to an exemption from any mandatory vaccination requirements. The EEOC publication also includes a sample ADA-compliant survey that employers may use to forecast absenteeism levels in the event of an influenza outbreak in the workplace.

The OSHA guidance provides information on policies and practices designed to protect employees against the H1N1 influenza A virus. Of special value to employers are OSHA’s suggestions for practices that will reduce employees’ risk of exposure to the virus in the workplace and for managing employees who exhibit symptoms of influenza while at work. Employers would be well-advised to follow OSHA’s guidance for limiting such exposure, as employers have an obligation under OSHA to provide employees with a workplace free from recognized hazards that are likely to cause death or serious physical harm.

The EEOC publication may be found at: http://www.eeoc.gov/facts/pandemic_flu.html.

The OSHA publication may be found at: https://www.osha.gov/Publications/influenza_pandemic.html

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