

WORKPLACE ILLNESSES: 5 Dos & Don'ts for Flu Season



It's easy to forget that employers have a duty to protect workers from not only injuries but also illnesses, such as the flu. Although the OHS laws may not specifically say that employers must protect workers from getting the flu, this duty is implied under the "general duty" clause, which requires employers to take all reasonable steps to protect workers from foreseeable hazards. And during flu season, the risk of contracting and spreading the disease in the workplace is a foreseeable hazard. 5 DOS & DON'TS

Here are five dos and don'ts to help you ensure that your company and its workforce is adequately prepared for the upcoming flu season: [û] Prepare a Flu Plan in Advance Before flu season starts, develop a plan for how to keep workers from getting sick and handle a flu outbreak or pandemic if one occurs. Forming a committee that includes the JHSC may make the planning easier. In developing a flu plan, the committee should consider the following: The risk of workers getting the flu and the impact it would have on operations if a significant number of workers got sick at once;

The impact that a flu pandemic could have on the company even if its workers don't fall ill, such as if a key supplier's workforce is hit with many flu-related absences;

Any adjustments to the company's OHS and HR policies that may be needed to deal with a potential flu outbreak;

Any possible business continuity issues if there's a flu outbreak or pandemic (see, "Business Continuity Plans and COVID-19: How to Prepare); and

How to communicate key information with workers, such as symptoms of a new strain of the flu and the availability of vaccines. So establish those lines of communication now.

FLU PREPAREDNESS CHECKLIST: Download a detailed Flu Preparedness Checklist that you can use to create a flu plan for your company. [û] **Educate Workers on How to Avoid Getting Sick** The best way to handle a potential flu outbreak is to take steps to keep workers from getting sick in the first place. So educate workers on the seasonal flu, such as its symptoms and treatment. (Use this quiz on flu basics as a training tool and in conjunction with training on your company's flu-related policies.) You should also educate them on personal hygiene and other measures for guarding against the risk of infection, including: Hand washing;

"Cough etiquette," that is, coughing in the crook of your arm as opposed to your hands;

Social distancing;

Proper use of PPE, such as facemasks and respirators; and

Vaccination.

[X] **Don't Require Workers to Get Vaccinated** Although you should certainly encourage workers to get vaccinated, you shouldn't require them to get flu shots and then discipline them if they refuse. Forcing workers to get vaccinated is essentially compelling them to undergo medical treatment, which arguably violates their rights. Exception: In healthcare workplaces, such as hospitals and nursing homes, you may be able to require some workers to get vaccinated because they're at high risk of exposure to infectious diseases, such as influenza. And sick workers in such settings pose a health

risk to not only co-workers but also vulnerable patients. But even in this industry sector, requiring vaccinations isn't a sure thing. Whether such a policy is permitted may depend on the specific circumstances, any alternatives available to vaccination, such as wearing surgical masks, and the jurisdiction. [U] Encourage Sick Workers to Stay Home If workers do come down with the flu, encourage them to stay home until they're well. Sick workers may feel compelled to "soldier on" and come to work even when they're ill. But sick workers aren't productive and ultimately cost their employers money by coming into work when they shouldn't. In addition, ill workers can spread the flu to their healthy co-workers and end up infecting your workforce. In fact, one study found that just one worker who comes to work sick with the flu, a cold or a stomach bug can infect about half of the commonly touched surfaces in the workplace, such as door knobs and table tops. [X] Don't Automatically Reject Flu-Based Work Refusals Workers have the right to refuse unsafe work. During flu season, a worker may exercise this right, arguing that a particular job is unsafe because it exposes him to the risk of contracting the flu. So are flu-based work refusals valid? Whether the fear of contracting an illness such as the flu is legitimate grounds for refusing work depends on several factors, such as: How the disease is transmitted;

How likely it is that the worker will come into contact with infected individuals;

Whether the worker's concerns are sincere; and

Whether you can take steps to address the worker's concerns, such as by implementing basic hygiene practices, providing free vaccines, educating workers on the disease and how it's transmitted, etc.

A flu-related work refusal is most likely to be successful in a healthcare setting where risk of exposure to sick individuals is likely to be the highest as well as in

industries where workers regularly interact with the public and so could be exposed to sick individuals, such as in retail. In any event, however, you should properly investigate any flu-related refusals even if you think they're frivolous. And make sure that you're sensitive to workers' health concerns while doing so. BOTTOM LINE

Who knows what the flu season this year will be like. But if you wait to see if it's going to be a bad one, it'll probably be too late to take adequate steps to protect workers from getting sick. So now is the time to implement or assess the flu prevention measures and policies in your workplace and ensure that you're taking all reasonable steps to protect your workers' health. To quote Benjamin Franklin said, "An ounce of prevention is worth a pound of cure."