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The Ebola Outbreak and Your Workforce

Authors: Whitney M. Dowdy

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With the serious Ebola outbreak in West Africa growing at alarming rates, and the first evidence of the disease reaching the United States, employers, especially those in the healthcare industry, are starting to wonder how the outbreak might affect their workforce. According to the World Health Organization (WHO), the outbreak has reached the proportion of an international health emergency, and it continues to grow.

A few of the recommendations for United States employers to consider in response to the fear caused by the current outbreak include actions like educating management and employees about the facts of the disease, including transmission and symptoms, addressing questions regarding workplace safety, and avoiding unnecessary panic in the workplace; restricting international travel and expatriate assignments if that is a part of an employer's normal operations; and even revisiting or implementing a pandemic and/or crisis management plan or policy as a proactive measure.

A severe and often fatal disease, Ebola is only transmitted through contact with blood and other bodily fluids of an infected person. Those who become infected with Ebola are not even contagious until they are symptomatic. Employees in the healthcare industry, therefore, are the most susceptible employees in the United States at this time. Healthcare workers should, therefore, attend training to review infectious disease protocols and to be able to identify the symptoms of Ebola. For all other employers, human resources should be prepared to answer questions about the current outbreak as needed, but should refrain from activity that is seen as overreacting or in any way violating an employee's rights under the Americans with Disabilities Act (ADA). Specifically, employers should not ask employees about medical symptoms or require medical examinations unless there is a job-related basis for the inquiry or request, or the employer has a reasonable basis, which can be clearly articulated, to believe the employee poses a direct threat to others.

While there are currently no international travel restrictions related to the Ebola outbreak because the risk of transmission remains low, some employers may benefit from evaluating actual travel needs to the West Africa region. For those employers who require extensive international travel or expatriate assignments, travel to or near the Ebola "hot zone" should be evaluated for necessity. This includes potentially altering flight plans that may require employees to change planes in part of the area affected by the current outbreak. Employees involved in business travel that could be considered risky during the current outbreak should be educated on Ebola and any necessary precautions to be taken during travel, and kept up to date on all developments and their employer's requirements upon their return.

Finally, employers looking for guidance or more information on any preparation that might be helpful in light of the current Ebola outbreak should access the Equal Employment Opportunity Commission's 2009 guidance on pandemic planning and consult with their human resources department and counsel to determine what steps might be beneficial for the company. The EEOC's guidance, issued during the H1N1 influenza pandemic, explores things employers can do to be prepared for the unlikely widespread transmission of Ebola in the United States, or any other pandemic.

The most important thing for employers to do in response to the current Ebola outbreak to protect their employees, however, is very simple. While there is no question the outbreak is a health emergency of epic proportions, the reality is that widespread transmission in the United States appears unlikely at this time. Employers, therefore, should stay educated and should be prepared to provide their employees with information as needed or requested, but should avoid overreaction and panic.