

As the number of reported cases of the novel coronavirus (COVID-19) continues to rise, employers are increasingly concerned with the possibility of an outbreak in the workplace. You may already be hearing from carriers regarding the coronavirus. As this is one of those issues that fall under the HR umbrella, here is some information below that we are sharing with our clients.

Employers are obligated to maintain a safe and healthy work environment for their employees, but they are also subject to a number of legal requirements protecting workers from discrimination. Compliance issues to consider include:

- The general duty to provide employees with safe workplace conditions imposed by the federal Occupational Safety and Health Act;
- Protection against disability discrimination (including disability-related inquiries and medical examinations) under the Americans with Disabilities Act;
- Requirements set by federal and state employee leave laws; and
- The compensation of individuals who miss work due to COVID-19.

Resources

Federal and state governments are actively publishing information on this development. Reliable resources include the materials listed below:

<p>World Health Organization (WHO)</p>	<ul style="list-style-type: none"> • Coronavirus disease (COVID-19) advice for the public
<p>U.S. Centers for Disease Control and Prevention (CDC)</p>	<ul style="list-style-type: none"> • Coronavirus Disease 2019 (COVID-19) Situation Summary • Coronavirus Disease 2019: Business Response • Get Your Workplace Ready for a Pandemic (flu-specific but can be adapted to Coronavirus) • Pandemic Planning Checklists and Guidance (can be adapted to Coronavirus)
<p>U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)</p>	<ul style="list-style-type: none"> • Safety and Health Topics: COVID-19 • How to Protect Yourself in the Workplace During a Pandemic

<p>U.S. Department of Labor, Wage and Hour Division (WHD)</p>	<ul style="list-style-type: none"> • Pandemic Flu and the Fair Labor Standards Act (can be adapted to Coronavirus) • Pandemic Flu and the Family and Medical Leave Act (can be adapted to Coronavirus)
<p>U.S. Equal Employment Opportunity Commission (EEOC)</p>	<ul style="list-style-type: none"> • Pandemic Preparedness in the Workplace and The Americans With Disabilities Act
<p>Department of Homeland Security (DHS)</p>	<ul style="list-style-type: none"> • Disasters and Emergencies – Pandemic

Action Steps for Employers

To address the impact of COVID-19 in the workplace, employers should:

- Closely monitor the CDC, WHO, and state and local public health department websites for information on the status of COVID-19;
- Proactively educate their employees on what is known about the virus, including its transmission and prevention;
- Establish a written communicable illness policy and response plan that covers communicable diseases readily transmitted in the workplace; and
- Consider measures that can help prevent the spread of illness, such as allowing employees flexible work options like working from home.