









DOING BUSINESS DURING THE CORONAVIRUS OUTBREAK: What Employers Need to Know

With the continued spread of the Coronavirus (COVID-19) employers should proactively consider safety measures for the workplace. Based on guidance issued by the CDC and OSHA, employers should consider the following precautions:

-  Encourage sick employees to stay home from work and consider adopting a written protocol to send employees home if they have symptoms of a communicable illness while at work.
-  Adopt a policy requiring employees who have traveled to affected areas subject to travel advisories and/or quarantine requirements or employees who have come into possible contact with an affected person to stay home for a period of time to assess whether any symptoms develop.
-  Inquire about whether an employee has traveled to an affected area or otherwise been exposed to the Coronavirus to assess the potential for risk. Ensure inquiries are made to all employees and are not directed to employees of certain races, national origins, or ethnicities.
-  Consider imposing business travel bans to affected areas. Notably, employers considering imposing restrictions for personal travel should be wary of the associated risks.
-  Educate the workforce about the Coronavirus, including information on symptoms, how it is transmitted and general tips on how to avoid infection.
-  Ensure the workplace itself is appropriately cleaned and make disinfecting products available to all employees. Employers in higher-risk industries, such as the healthcare field, should also consider providing protective equipment and/or clothing to employees.
-  Appoint an employee to monitor the CDC's website on a daily basis as the guidance may change. This employee should also monitor state and local government agencies' websites for localized information.
-  If an employee is diagnosed as having the Coronavirus, the employer should inform fellow employees but also maintain confidentiality as required by the Americans with Disabilities Act and other applicable laws.

Employers should maintain a dialogue with counsel regarding implementation of the measures above and enacting any such measures in a non-discriminatory fashion. Failure to properly take measures to respond to the outbreak may result in the violation of the employer's general duty to provide a safe work environment to its employees or liability under anti-discrimination workplace protections.