



The flu pandemic: questions & answers

Introduction

The number of swine flu cases in the UK is doubling every seven days and as such it is important employers are ready to respond to the effects a serious outbreak may have on their staff and their business.

In this regard, we have set out below responses to some of the common questions employers might have.

1. How serious is swine flu?

Swine flu is spreading and so far there have been 29 swine-flu related deaths in the UK. That being said, however, the symptoms most people have exhibited have been mild and early doses of antiviral medicines such as Tamiflu have proven effective in helping people recover.

The Government has warned that a second wave of the pandemic may hit in the winter and that a quarter of employees could be affected. Swine flu updates are available from the Health Protection Agency.

2. How can we best prepare for an outbreak of swine flu amongst our workforce?

It is important that you have in place a response plan to enable the business to continue trading both during and after the pandemic. You will need to consider the key functions of your business and how many employees you will need to carry out those functions.

You may also want to give some thought to the following:

- Individuals working from home. If staff do work at

home will they need remote email access etc.

- Retraining or redeploying staff to make use of transferable skills.
- Prepare a communications plan identifying key contacts and lines of communication.

It is important that any contingency plan is distributed to staff so everyone is aware in advance of any changes they may be required to make.

3. Are we under any specific obligations relating to the health and safety of our employees?

Employers have a general duty to provide a safe place and system of work for their employees and are required to take such steps as are reasonable to protect them from reasonably foreseeable dangers. In addition to this, employers also have a statutory duty to ensure the health, safety and welfare of all employees at work.

In view of this, employers should consider introducing measures to prevent the spread of infection, for example:

- Making sure employees are aware of the symptoms of swine flu and how to prevent its spread
- Providing antibacterial hand gels for staff to use
- Identifying any vulnerable members of staff and considering whether there are any ways of reducing the risk of infection e.g. face masks.

4. Do employers have a duty to take special measures to protect employee who are most at risk if they catch swine flu, for example pregnant women or those with asthma?

Guidance from the NHS identifies various health conditions as making individuals more vulnerable to infection e.g. pregnancy, asthma, chronic lung/heart/liver disease etc.

Glaisyers Solicitors LLP

One St James's Square, Manchester M2 6DN

Email: manchester@glaisyers.com Telephone: 0161 832 4666 Fax: 0161 832 1981

www.glaisyers.com

As regards pregnant employees, employers are under a statutory duty to conduct a risk assessment if working conditions could involve risks to the pregnant woman. At the moment guidance suggests that the risk of infection can be reduced if pregnant women avoid unnecessary travel and crowded places. However, there is no suggestion at this stage that pregnant women should be instructed to work from work.

In relation to other conditions, which may be regarded as disabilities within the Disability Discrimination Act 1995, employers are under a duty to make reasonable adjustments which may involve allowing staff to work from a different office or from home.

5. If an employee has swine flu or has been in contact with someone with swine flu can they be instructed not to come in to work?

If an employee has swine flu or is exhibiting symptoms of the infection, then an employer would be justified in instructing them to remain at home and seek medical attention in order to help prevent the spread of the infection.

As regards employees who have simply been in contact with swine flu suffers but have no symptoms themselves, government guidance suggests it is not necessary to ask such people to remain at home. However, employers may want to discuss alternative working arrangements with such individuals during the incubation period for the infection (between 2-5 days).

6. What can we do if we think employees are using swine flu as an excuse for a few days off work?

For the purposes of statutory sick pay and, commonly also for contractual sick pay, employees can self-certify for any period of absence lasting up to 7 days. Beyond this employers are entitled to ask for reasonable medical evidence.

The Government is, however, currently considering extending the period of self-certification to 14 days if the pandemic worsens.

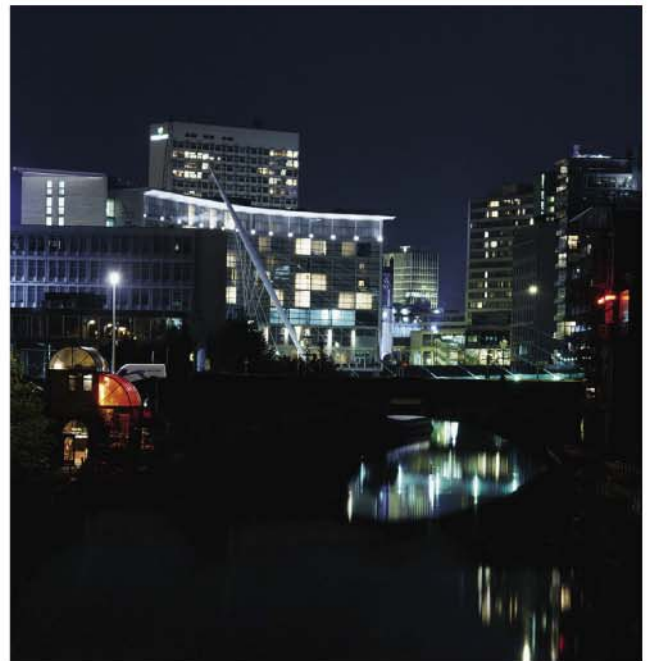
No decision on this has yet been taken.

If you would like to receive more information regarding the contents of this newsletter or information on any other employment law related matters then please contact **Russell Brown** at Glaisyers Solicitors LLP, One St James's Square, Manchester M2 6DN. Tel: 0161 832 4666; Fax: 0161 832 1981; Email: rbw@glaisyers.com

how we can help your business

We are a medium sized city centre firm with a high degree of expertise in our chosen fields. We therefore provide a level of service which is comparable to that offered by many a national and international law firm.

We believe passionately in training and developing all the members of our team to ensure that our clients continue to obtain the highest quality of advice and support.



commercial services

- Agency, Distribution, Franchise Agreements
- Company Formation
- Corporate Governance
- Directors Duties
- Drafting Terms & Conditions
- Partnership Agreements
- Shareholder Agreements
- Commercial Property
- Property Development
- Landlord & Tenant
- Employment
- Intellectual Property
- Debt Recovery
- Commercial Litigation & Dispute Resolution
- Mergers Acquisitions & Disposals