

Swine Flu Business Update - July 2009

Are you responding to the Swine Flu?

With the rise in confirmed cases of Swine Flu across the UK, in response, many employers are developing operational contingency plans or implementing a policy on how to prepare and react to a potential flu outbreak.

In April, we issued a document to our clients detailing some pointers on developing their own contingency plan should the country be further exposed to risk of a serious outbreak of the Swine Flu pandemic. Now the summer months are upon us and the holiday season is well under way. The risk of Swine Flu spreading has increased and organisations need to be more aware of the steps which we can take to manage this and to help prevent this spreading as best we can.

Employees have a duty to come to work to fulfil their contractual obligations. In turn employers are obliged to provide a safe working environment and have a duty of care for their employees in the workplace. To help exercise these responsibilities the following points would contribute toward this:-

We have outlined below some key considerations -

1. Agree a Company Procedure to Manage Swine Flu

Organisations must agree and communicate amongst staff the day to day operational and absence procedures for anyone potentially exposed to or contracting Swine Flu (or flu-symptoms).

We would encourage you to ask employees feeling unwell with flu like symptoms to go home and call their GP for an assessment. They should then stay away from work until either they have been given the all clear, or signed back on from their GP.

Following a new Government proposal, employees can now self-certify themselves for 2 weeks. This practice should only be in place for 6 months, however there are concerns that there will be widespread abuse of the system, with at least 20% of employees requesting and obtaining time off work when they don't actually have swine flu.

There are many ways of tackling this problem before it happens;

- Have a robust “Swine Flu” policy in place. Ensure staff are clearly informed of their obligations to stay at home if they have any symptoms of swine flu.
 - Our advice would be to maintain your current Sick Pay/Company Sick Pay policy, otherwise you may find it difficult to prove fairness and consistency. If you provide and continue to provide further payments for employees who are confirmed cases of Swine Flu, you may set precedence for such payment, and will find it difficult to not pay all employees in such a way.
 - Furthermore, if you are TELLING people to stay away from work, you should in reality continue to pay normal contractual pay. If there is a business decision to request people to stay away from the place of work due to travel to an affected country, you should also continue to pay normal contractual pay.
- During absence from work, ensure good communication between employees and employers. Ask for self certifications and appropriate doctor's notes, and hold a thorough return to work meeting on their return, which should be documented, signed and filed.

Office Hygiene – Immediate Recommended Actions

There are a number of practical measures employers can take for reducing the spread of Swine Flu at work and adequately prepare for an outbreak:

1	<p>All employees should have access to the following:</p> <ul style="list-style-type: none"> • Disposable tissues. • Buckets to dispose of tissues • Wet wipes/hand rubs.
2	<p>Each office should have adequately equipped Toilets with:</p> <ul style="list-style-type: none"> • Hand Soap. • Paper towels.
3	<p>Disinfecting equipment</p> <p>Each office should be equipped with domestic cleaning equipment suitable for maintaining a clean environment and disinfecting an area after an outbreak. Surfaces should be cleaned frequently using the appropriate cleaning equipment.</p>
4	<p>Review Workspaces</p> <p>Conduct a risk assessment of office environment e.g. Do air conditioning units need to be on?</p>

2. IT Systems and Working from Home

Should there be a significant outbreak of Swine Flu within any offices IT provisions should be established to enable recovering personnel or personnel who can effectively work remotely from the office to continue working from home.

4. Company Sick Pay

In general Company Sick Pay is at the discretion of an organisation and may be reviewed at any time. Company sick pay generally awards payment for absence as a result of ill health for an aggregate period of time. Each company will have their own policy on attendance management and sick pay.

As an employer you need to consider what happens if an employee is absent for a period of time as a result of Swine flu and the impact this has on their attendance record and sick pay.

Once they feel they are fit to return to work you may choose to request that their GP confirms that they are fit to return to work.

Swine Flu Updates

- **NHS**
http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1241246622785
- **Direct Gov**
http://www.direct.gov.uk/en/Swineflu/DG_177831

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