

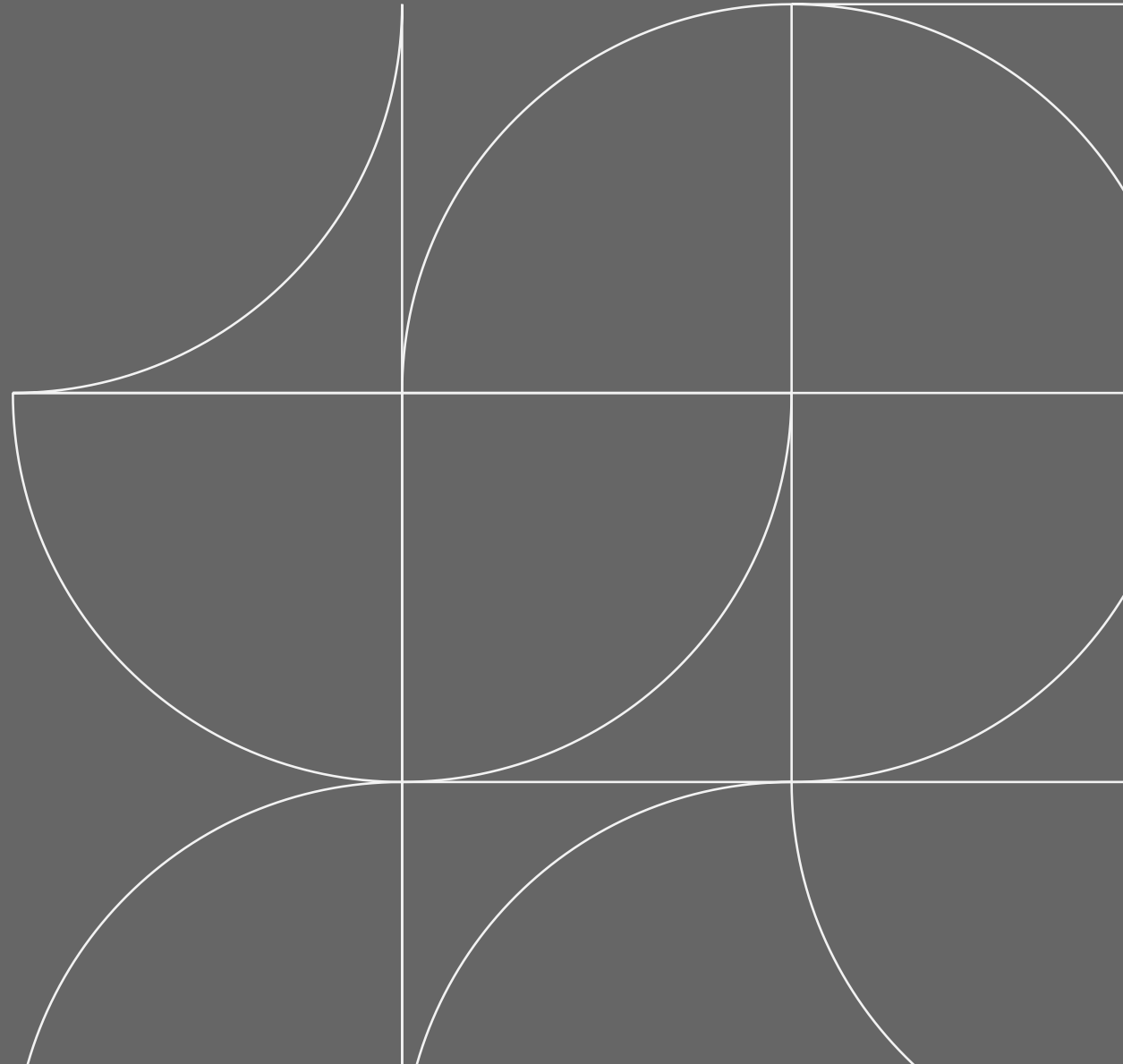


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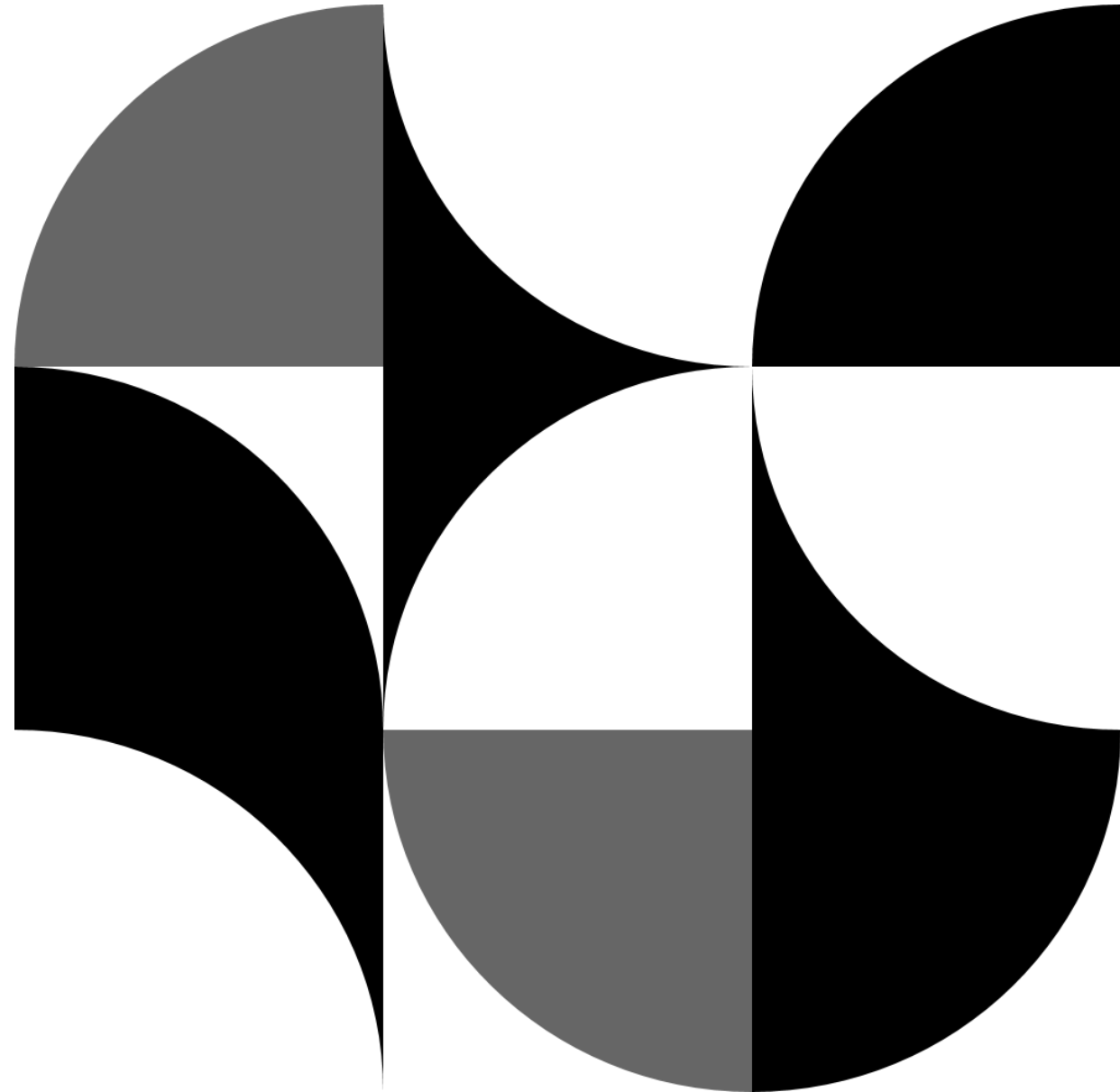


Coronavirus Flu: Legal and Workplace Implications

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Objectives

- 01** Understand the nature and scope of the hazard
- 02** Identify potential legal liabilities
- 03** Develop employer action plans

Viruses

- Simple cell structure
- No ability to replicate itself
- Invades existing human cell and takes over genetic code
- Replicates itself using host cell machinery
- Pre-existed human beings

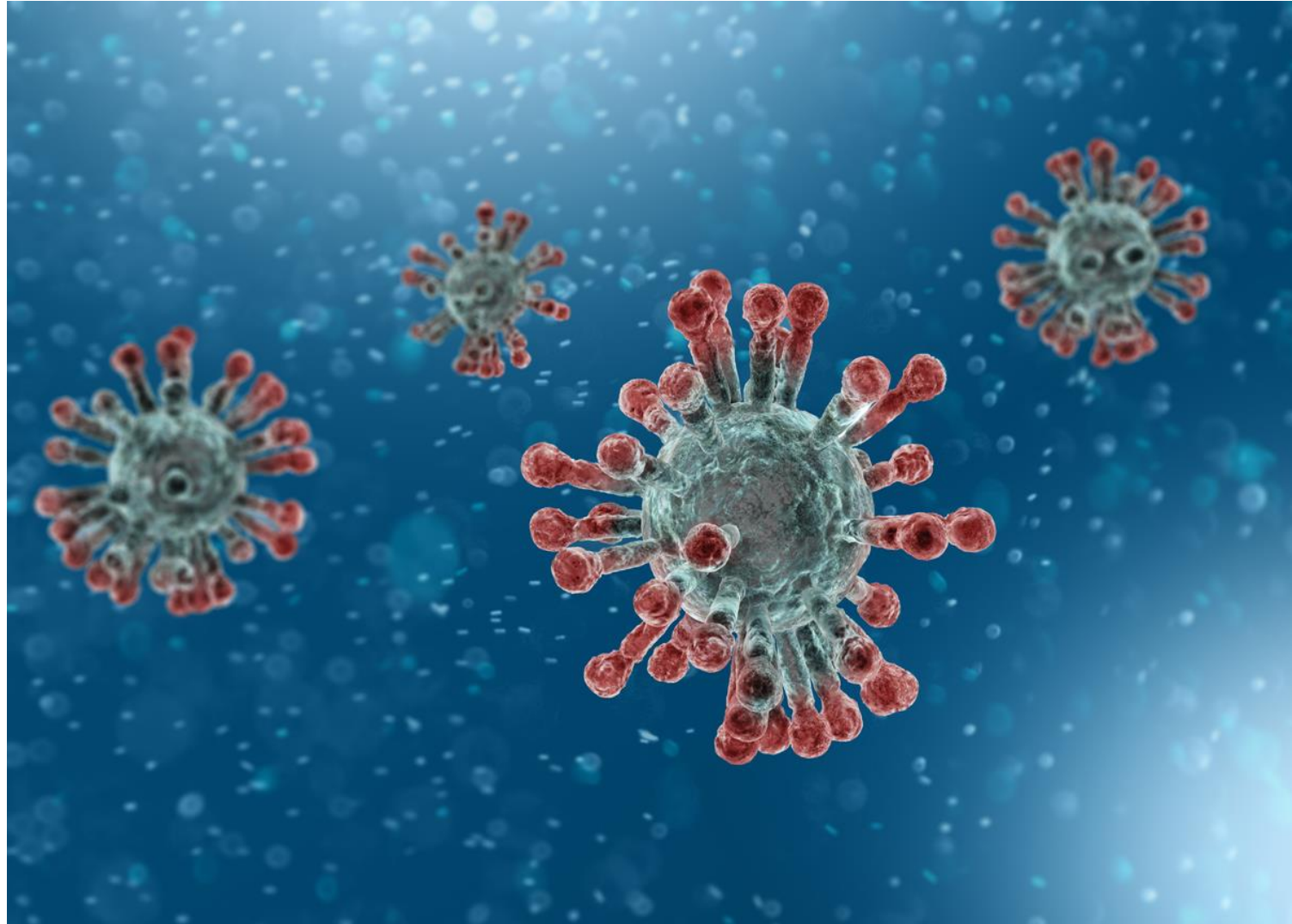
Examples of Viruses

- Common cold
- Small pox (300 million deaths in Twelfth Century)
- Polio
- Yellow Fever
- Ebola
- HIV (AIDS)

Examples of Viruses

- 1918 Great Swine Flu or Great Spanish Flu
 - 80% U.S. military deaths in World War I due to virus
 - Primary Victims: soldiers in prime of life
 - World War I killed 21 million troops in battle over 4 years
 - Virus killed 21 million in 4 months
 - Worldwide toll: 20-100 million

Coronavirus Flu



Coronavirus Flu

- 2019 novel coronavirus (2019-nCoV)
- Infection through coughing and sneezing
- Disease and death in humans
 - Mild to severe respiratory illness;
 - Fever;
 - Cough;
 - Difficulty breathing; and
 - Death (Fatality rate less than 3%; all fatalities occurring in China).
- 2 to 14 day incubation period

Coronavirus Flu

- First confirmed American infection on January 21, 2020
- 12 confirmed cases in USA, including 2 individuals in Chicago, Illinois (as of 2/5/2020)
- More than 24,000 confirmed cases, with 492 deaths (as of 2/5/2020)
- Executive Order freezing entry of aliens into United States with exposure to China in past 14 days
- 14 day quarantine of 195 Americans who were evacuated from Wuhan

Occupational Safety and Health Act (OSHA)

- Potential use of “General Duty” clause for a “recognized hazard” to employee safety and health
- Reliance upon CDC, NIOSH as authority
- Potential liability for citations and monetary penalties

Occupational Safety and Health Act (OSHA)

- Conduct “hazard assessment” for potential exposures (e.g., occupational activities involving potential exposures – e.g., travel, healthcare transportation)
- Develop an action plan:
 - hazard identification
 - hazard prevention procedures
 - employee training
 - medical monitoring surveillance
 - recordkeeping (OSHA 300 Log, etc.)

Worker's Compensation

- Worker's compensation if “arising out of and in course of employment”
- Reasonable and necessary medical care
- Temporary total disability benefits
- Permanent disability, if any
- Engage competent medical professional (infectious disease) to advise

Disability Benefits

- If provided by contract
- Review limits of coverage
- Competent medical assistance to administer program

Family and Medical Leave Act (FMLA)

- 50 or more employees
- 12 weeks unpaid leave in 12 month period (if qualified)
- “Serious health condition” of employee or immediate family
- Job reinstatement rights
- Quarantine issues if infected
- State law may provide additional leave benefits

Americans with Disabilities (ADA)

- Qualified employee with “disability” protected from discrimination
- “Disability” typically a chronic physical condition, e.g., breathing
- Employee may develop a “disability” or aggravate a pre-existing “disability”
- Employee may be entitled to an “accommodation” such as leave, work away from office for limited period

Premises Liability

- Landowner/employer duty to protect visitors to premises from hazards which are not “open and obvious”
- Potential health hazard in building, e.g., ventilation system, washroom facilities, cafeteria, etc.
- May require notice to tenants, visitors of known infection events
- Review leases and related agreements (e.g., sanitation, building maintenance)

Employer Action Plan

- Sanitation
- Communication
- Recordkeeping
- Pre-Planning
- Information Monitoring

**thank
you**

contact information

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