

## H1N1 - Workplace Considerations

H1N1 is entering its second wave and the push for vaccinations has begun. Since the virus is expected to attack employees at a rate similar to the general population, employers may suffer absentee rates as high as 25% during the peak of the current wave. To put it simply, employers need to be prepared.

### H1N1 BASICS

Experts warn that a majority of the population could be affected. However, roughly half of persons infected with H1N1 display no clinical symptoms.

#### *How it Spreads*

H1N1 is communicable 24 hours prior to and 3-5 days after symptoms begin. Children can be infectious for longer periods. The virus is transferred in droplets – it is not an aerosol – thus, keeping one's distance from others can be effective in reducing the chance of infection. H1N1 can exist on skin for 5 minutes, clothing for 12 hours, or hard surfaces for up to 2 days.

#### *What to Expect*

Once infected, healthy adults generally suffer flu-like symptoms, and are often sick for 5-7 days. To date, those aged 55 and older have shown some resistance to symptoms. People at particular risk to H1N1 include children under five years, pregnant women, and people with chronic conditions.

### EMPLOYER CONSIDERATIONS

H1N1 is expected to have a considerable impact on employee availability. As might be expected, exact predictions are difficult, as experts warn of variation in impact between communities, facilities, and age groups.

#### *Overtime and staffing*

Due to these expected human resources shortages, employers may be liable for additional overtime and shift change premiums. Furthermore, they may have to transfer employees between locations, and may even have to hire temporary workers to help solve labour shortages. Early planning and communication may go a long way to alleviating the added burden such costs might impose on employers.

#### *Safety at Work*

H1N1 also raises questions under occupational health and safety legislation. For example, can employees refuse to work due to the risk of H1N1 infection? If an employee refuses to work for safety related reasons during a pandemic, it is unlikely that a WCB officer will be able to attend on an expedited basis to resolve the situation. Also, there may be an issue as to whether WCB benefits are payable if H1N1 is contracted at work. Key considerations include the nature of the employment and whether there is a causative link between the illness and the work performed.

Because of the way H1N1 is transferred, employers should be taking steps to minimize the risk of H1N1 transmission, including stepping up sanitation efforts. Other risk mitigation measures might include policies on when to send sick employees home and when sick employees can be allowed to return to work. Related to such matters are questions about the employer's liability for wages if an employee is sent home or is refused a return to work. Another detail needing consideration is the use of doctor's notes, both with respect to sick leaves and returns to work.

### ***Attendance Issues***

Aside from the above, Employers should consider the extent to which their Attendance Management Plans account for absences due to H1N1. Employers should also plan for potential closures of public facilities – particularly schools – as such closures may have significant implications for employee availability.

There are many potential issues that could arise during this pandemic. If you have any questions, please feel free to contact any member of our team.

### **RESOURCES**

The *Public Health Agency of Canada* has numerous resources on H1N1

- General Information:  
<http://www.phac-aspc.gc.ca/alert-alerte/h1n1/index-eng.php>
- Flu Watch – sign up for weekly email updates:  
<http://www.phac-aspc.gc.ca/sub-ins/h1n1-eng.php>

Your local Health Authority is also an excellent resource:

- What You Need to Know  
[http://www.vch.ca/media/what\\_you\\_need\\_to\\_know.pdf](http://www.vch.ca/media/what_you_need_to_know.pdf)
- Business Checklist  
[http://www.vch.ca/media/business\\_checklist.pdf](http://www.vch.ca/media/business_checklist.pdf)

*Lawyer contact information can be obtained by contacting us at (604) 806-0922 or visiting our website at [www.ropergreyell.com](http://www.ropergreyell.com).*

\* Every effort has been made to ensure accuracy in respect of this bulletin. The comments, however, are necessarily of a general nature. Clients and other interested parties are urged to seek specific advice on matters of concern and not to rely solely on the text of this bulletin. \*