



Human Resources

by Todd Seiders, CLSD

Straight talk about the swine flu and questions from your employees

Another great article from *The Rooms Chronicle*®, the #1 journal for hotel rooms management! ***Important notice: This article may not be reproduced without permission of the publisher or the author.*** College of Hospitality and Tourism Management, Niagara University, P.O. Box 2036, Niagara University, NY 14109-2036. Phone: 866-Read TRC. E-mail: editor@roomschronicle.com

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With everyone talking about, distressed over, and virtually absorbed with the fear of a Swine Flu (H1N1 virus) pandemic as being imminent, I'm receiving a considerable number of questions from my hotel clients about what they, the employer, should do about the upcoming Swine Flu outbreak. Undoubtedly, Human Resources personnel and most managers are facing these very same questions from their employees. Some of these questions likely include:

1. *As an employer, should I pay for the Swine Flu vaccination becomes available?*
2. *What if my employees get the Swine Flu, and claim they while they were at work?*
3. *Can my Employee claim a Workers' Compensation injury?*

The easiest way to answer all of your Swine Flu questions is to remove the word "Swine" from the sentence, and just leave the word "flu". Here are my answers for your consideration:

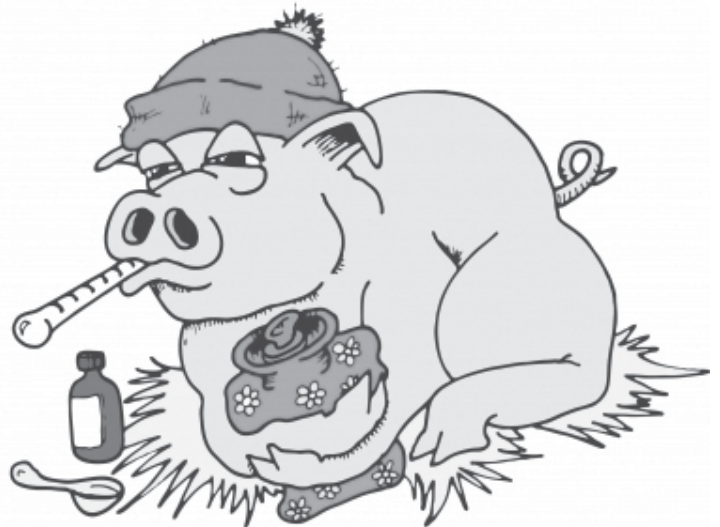
As an employer, should I pay for the flu vaccination when it becomes available?

Answer: Does your hotel or company normally pay for the seasonal flu vaccination that is offered each and every year? If not, why would you offer to pay for the Swine Flu vaccination? The Swine Flu is NO DIFFERENT from the normal seasonal flu. It is NOT the killer pandemic flu that the press and medical community has been warning us about. The Swine Flu has the exact same symptoms of the yearly seasonal flu, and is treated the exact same way.

If you "require" your employees to get a Swine Flu shot, or you offer and pay for the shots, you will have unintended consequences. Remember that under most states' Workers' Compensation injury laws, anything that an employer requires it employees to do, or provides for them at the workplace (including submitting to mandatory flu vaccination), could be considered a Workers' Compensation injury if there are side effects. This means that any illness or reaction an employee has after receiving the flu shot could be filed as a Workers' Compensation injury, as the employee could claim the injury occurred because of the flu shot. As one can see, it is better to inform your employees about the flu shot, but do not "require" it, or offer to pay for the shots as part of their workday. This means that employees who seek out a flu shot during the workday should do this during their unpaid break time.

What if my employees get the Flu, and claim they got it while they were at work?

Answer: Currently, if an employee calls in sick with the Flu, do you file a Workers' Compensation injury claim? No, you do not. The Flu is not work related, and the employee uses sick time, or vacation time while they are sick. You can be infected with the Flu anywhere, including at work, but it is not considered a "work-related injury".



Can my employee claim a Workers' Compensation injury?

Answer: In order to file a Workers' Compensation injury claim, the injury must be "AOE" (Arising Out of Employment) or "COE" (Course Of Employment). It is impossible for an employee to prove that they in fact caught the flu while they were working. As you know, the flu bug can be caught in any public place, or transmitted via door knobs, railings, in busses, planes, etc. Currently, no flu illness is recognized as a "workplace injury".



Conclusion

Just because the current H1N1 virus is commonly referred to as the Swine Flu, it is not necessarily a reason to panic or change existing Workers' Compensation policies. As has been reiterated throughout the media, encourage employees to adopt good hygienic practices. This includes reminding sick employees to stay home, have employees wash their hands regularly, and train them to cough or sneeze into their sleeve or a tissue. The enclosed poster from the Center for Disease Control can be displayed in your hotel to help educate your employees. Ultimately, good hygiene and etiquette will help prevent the spread of the flu. ✧

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