
The HR Forum

Swine Flu - 16th July 2009

General Background:

- Pandemics – new viruses to which we have no immunity therefore spreads more rapidly, infects more, and can cause further illness.
- How is swine flu spread? Tiny particles through droplet that come out of your nose and mouth when you cough or sneeze. Droplets easily spread from your hand to any hard surfaces e.g. door handles, computer keyboards, phones, tv remote controls.
- How bad is it?
- Business continuity planning. Four main issues are:-
 - Coping with significant levels of employee absence;
 - Reducing the risk of flu coming into and spreading within the workplace;
 - Disruption from key suppliers/customers (maybe outside the UK);
 - Sector specific issues, special sensitivities, opportunities and legal duties in different sectors e.g. FSA regulated firms, particular regulatory obligations are met in the event of “unforeseen interruption”.

HR Issues:

- Health and safety issues, involves:-
 - Keeping employees informed about health risks;
 - Taking steps to ensure that there is good hygiene in the workplace and that working practices do not pose undue risks.
 - Introductory advice to staff on planning for pandemic influenza (HM Government);
 - NHS “Swine Flu Information”

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- Washing hands with soap regularly
- Tissues
- Cleaning hard surfaces
- Risk assessments regarding particularly vulnerable employees (e.g young or pregnant or travelling to high risk areas).
- Staff Absence:
 - May be high because of employee sickness; fear; or employees looking after dependents.
 - Asking any unwell employees to stay at home and consult their doctor (reverse of normal culture of encouraging employees to struggle in);
 - Revision of policies on sick leave and dependent leave in these circumstances;
 - Identifying staff with interchangeable skills and key members of staff – contingency planning.
- Possible Suspension of Normal Working Practices:
 - Consider person suffering from swine flu should not return to work until positively certified fit by a doctor;
 - More generous about giving time off to employees caring for dependents (statutory rights limited);
 - Discretion over extending sick pay (beware discrimination claims);
 - Requiring the employee to work from home – possible variation of contract, flagging the issue now.

Other useful links:-

- Pandemic Influenza Checklist for Businesses – Civil Contingency Secretariat Cabinet Office



If you would like any further information on the topics covered in these notes please contact Andrew Cross, Head of Employment Law, Brabners Chaffe Street, on 0151 600 3062 or andrew.cross@brabnerscs.com

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