

Protecting Employees: *Legal Responsibilities*

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Agenda

- Introduction
- Natural Disasters and Pandemics
- Some Laws To Consider
- Affirmative Steps Employers Can Take
- Best Practices for Dealing with a Crisis
- Conclusion

Introduction

THREE GOALS

1. Help employers prepare and develop policies to minimize effects on the workforce and maintaining business continuity
2. Educate employers on the legal implications attendant to crisis response
3. Provide further guidance to employers on best practices during a crisis



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Natural Disasters

- In business terms, what constitutes a disaster?
- Types of natural disasters that affect the workplace
- Impact of natural disasters



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Pandemics

- What is a pandemic?
- Characteristics and challenges of a pandemic
 - Rapid worldwide spread
 - Healthcare systems get overloaded
 - Medical supplies prove inadequate
 - Economic and social disruption



Pandemics (cont.)

- Pandemics in U.S. history
- Other potential pandemics
 - Avian Flu
 - Swine Flu

Some Laws To Consider

- Occupational Safety and Health Act (OSHA)
- Americans with Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA)
- Family and Medical Leave Act (FMLA)
- Worker Adjustment and Retraining Notification Act (WARN)
- Health Insurance Portability and Accountability Act (HIPAA)



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Some Laws To Consider (cont.)

- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- National Labor Relations Act (NLRA)
- Labor-Management Relations Act (LMRA)
- Other applicable state and local laws



Affirmative Steps Employers Can Take

1. Develop an Emergency Response Plan
2. Review and Update Policies and Procedures
3. Review Contracts
4. Talk to Third Parties
5. Educate and Prepare Your Employees

Affirmative Steps Employers Can Take (cont.)

6. Determine Essential and Non-Essential Business Functions
7. Assess Communications and Electronic Infrastructure
8. Update Contact Information for All Employees
9. Check with Governmental Agencies
10. Be Reasonable

Best Practices for Dealing with a Crisis

- Assess the Workplace and Likely Consequences
- Communicate with Employees
- Reemphasize Health and Safety
- Decrease the Frequency, Proximity, and Duration of Contact Between Employees

Best Practices for Dealing with a Crisis

- Evaluate Potential Changes to Business Activities
- Put Insurance Carrier(s) on Notice as Claims Arise
- Reassess Lines of Communication and Internal Electronic Infrastructure
- Implement Further Restrictions Consistent with Guidance from Governmental Agencies



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Conclusion

- Protect Your Employees and Your Business
- Take a Proactive Approach to Disaster Planning
- Helpful Resources:
 - CDC and Department of Health and Human Services
Business Pandemic Influenza Planning Checklist
<http://www.pandemicflu.gov/plan/pdf/businesschecklist.pdf>
 - US Department of Labor
Guidance on Preparing Workplaces for an Influenza Pandemic
http://www.osha.gov/Publications/influenza_pandemic.html



Additional Resources

- Safe America Foundation
<http://www.safeamerica.org>
- Safe America Prepared
<http://www.safeamericaprepared.org/>
- Safe America Kids
<http://www.safeamericakids.org/>

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