

Think I've got flu...or is it just a cold?

The Health Protection Agency influenza report dated 16 July 2009 shows that there have been 10,649 laboratory-confirmed cases in the UK since the beginning of this pandemic. The rate of laboratory-confirmed cases has now reduced since the UK went to the treatment-only phase and GPs now diagnose cases on the basis of clinical observation rather than laboratory testing.

Influenza is not an illness from which there is a rapid recovery within a day or two of symptoms and this influenza usually requires a couple of weeks away from work to make a full recovery. To put matters into perspective, flu is a potentially serious illness causing the deaths of 250,000-500,000 people a year throughout the world. Generally speaking, we have developed resistance to human influenza virus, and deaths occur not because of the infection, but because the sufferer has a pre-existing condition, or because of complications.

If a new strain happens to be virulent, the risk of death increases, as we do not have resistance. The illness is relatively easy to spread: one cough or sneeze projects a spray containing the virus over an arc of several feet. Hands that have wiped noses can contaminate taps and handles, helping the transfer of the virus to the next person.

The current flu pandemic relates to the outbreak of swine flu, caused by a new strain of flu virus. The Health Protection Agency says that this virus is transmitted in the same way as seasonal flu and the condition can be treated with antiviral medication.

The problem is how to contain an outbreak so that there is no repetition of previous occurrences. Although previous outbreaks have mainly occurred among the young or old, swine flu is likely to affect the working population to a significant extent and this is a key factor for business owners and human resource departments. The impact on the economy could be catastrophic. However, there is a lot employers can do to prepare.

What can your business do to prepare?

As a management team

- Consider the basic parts of the business without which it will not be able to function.
- What is the minimum number of employees required to run each area.
- Compile a list of the transferable skills of each person.
- Consider who could be easily retrained or redeployed in the event of a heavily depleted workforce.
- Be prepared for the possibility of taking on temporary staff to support areas of the business if numbers have fallen below the minimum level needed.
- Be prepared for the possibility that it may become harder for employees to get to work if travel restrictions are enforced or public transport is suspended.
- Consider the use of technology such as remote access to enable employees to work from home.
- Consider if you can allow employees to work more flexible hours which may also make it possible for them to care for themselves or sick relatives.

Insurance issues

Many relevant insurance policies such as personal accident, travel insurance, contingency insurance and some business interruption cover, exclude liability arising out of an influenza pandemic. This may be by a general exclusion for all communicable diseases or it may be more specific. The exclusion may, for example, identify the types of illness for which cover is excluded.

Any pandemic is likely to bring into focus how those clauses should be interpreted. Will they cover the H1N1 virus or any mutation of that strain which appears to have come from swine flu? Are they ambiguous, in which case they may be construed against the person who drafted the clause or the person who is seeking to rely on the clause? Or are they clear one way or another?

Insurers will want to be clear as to what their cover actually provides and those insured will want to make sure they have policies which give them the cover they need. Where cover for loss arising out of an influenza epidemic is excluded, cover can be obtained through either a buy back into the existing insurance policy or a bespoke insurance policy to cover the effects of the pandemic.

What do I need to consider with communications?

How does information in your business flow to employees, to suppliers and clients.

Communications may be vital to keep the business running smoothly, so an emergency communications plan may need to be put in place. This will need to identify key contacts and set up lines of communication so that information can be disseminated quickly to the relevant people.

Communications such as the internet, video and telephone conferencing are all useful ways to avoid business travel but allow meetings to continue.

On a practical level businesses need to provide clear information to employees so that they understand the illness, the symptoms that are of concern, and to enable them to deal with it quickly. Meetings and leaflets can reassure people that, if they feel unwell, they should seek medical advice as soon as possible.

Serious harm can be caused by sickness presence, particularly if people insist on coming to work with flu-like symptoms. It is always difficult in the hay fever season to distinguish between sore eyes, upper respiratory tract symptoms and general malaise. If any or all of those are accompanied by a temperature, it would be advisable to seek a formal diagnosis.

Part of the communication process will be to explain that if the person is well enough to work, or if work needs to close because a person is infected, home working would be considered on a temporary basis. This may be one of the few ways to cope with mandatory closures or a useful way of keeping the business going in a time of crisis. However, it should still be clear that this is a temporary measure

How does this fit in with my current policies and procedures?

Consider your policies in the following areas

- Health and safety policies aimed at preventing the spread of the illness among employees who come to work.
- How does your sickness policy help employees returning to work?
- How does your sickness policy deal with the payments due to employees who may be away for extended periods of time?
- Is your sickness policy clear about sickness notification and when an employee should self certify or produce a medical certificate.
- Do any policies cover the issues of how to deal with an employee who is not ill but refuses to come to work?
- How do your flexible working policies cover flexibility of both hours and location?
- Consider the possibility of overtime and allowing annual leave to be carried forward to enhance flexibility.
- When a vaccine is available, consider whether you will encourage employees to be vaccinated or offer to pay for it. The second option may prove to be the most cost-effective approach if it would cut down on the need for employees to take time off sick.

Dealing with absence

There will be some employees who are away as a result of their own illness or the need to look after others. Only time will tell whether more symptoms are reported by those with the highest level of sickness absence. In any case, everyone should be treated equally and absence issues dealt with fairly. Some managers are concerned that swine flu could become a malingeringer's charter but even if it is, staff must be instructed to stay at home if any of the key symptoms occur. In this case a medical certificate must be provided certifying the cause of absence and, if the illness is swine flu, a certificate of fitness to return is essential.

There will be others who do not want to come to work because they are frightened of catching the illness. Under the law these employees are not entitled to refuse to come to work on the basis of such a fear but these fears might outweigh their worries about the possibility of disciplinary action.

In circumstances where an employee is excluded, abstains or is prevented from working because they are a carrier of or have been in contact with a case of a 'relevant disease', the employee is considered incapable of working and is entitled to be paid Statutory Sick Pay. This is another reason to consider how to maintain a business with a workforce that does not attend work during the pandemic.

No matter how careful the preparation, some businesses could lose income or contracts as a result of a pandemic and this may force them to consider making employees redundant. Even in these extreme circumstances, businesses must carry out a fair procedure with proper selection and consultation as failure to comply with these requirements could still lead to claims for unfair dismissal.

What should you do to protect yourself and others?

It is important that the following rules are followed:

- Use a tissue to cover your nose and mouth when coughing and/or sneezing, dispose of the tissue promptly and then wash your hands.
- Tissues should be disposed of in domestic waste; they do not need any special treatment.
- You should not use cloth handkerchiefs or reuse tissues. This practice carries a risk of contaminating pockets or handbags which may then re-contaminate hands every time they go into those pockets or handbags.
- You should clean your hands frequently, especially after coughing, sneezing and using tissues. Soap and water is a perfectly effective means of cleaning hands; however, hand rubs (particularly alcohol-based) can be used as an alternative.
- You should minimise touching of the mouth, eyes and/or nose, unless you have recently cleaned your hands.
- Normal household detergent and water should be used to clean surfaces frequently touched by hands.
- You should clean your hands as soon as you get to work and when you get home.

How is Pandemic flu caught and spread to others?

It is likely that pandemic flu, just like seasonal flu, will spread from person to person by close contact. Some examples of how it can be spread include:

- Large droplets from coughing and/or sneezing by an infected person within a short distance (usually 1 metre or less) of someone
- Touching or shaking the hand of an infected person and then touching your mouth, eyes or nose without first washing your hands
- Touching surfaces or objects (e.g. door handles) that have become contaminated with the flu virus and then touching your mouth, eyes or nose without first washing your hands.

What should you do if they have symptoms or are ill?

If you feel ill with symptoms consistent with pandemic flu while at work, it is important that you do not simply carry on working. Your symptoms should be reported immediately to your Manager and, if they are consistent with flu, you should be sent home.

You should contact the national pandemic flu line service and told not to return to work until the symptoms have cleared and you feel well enough to return with a signed off doctors note. If your symptoms develop while not at work, you should follow this advice:

- Stay at home (self-isolate).
- Do not go to work until you are fully recovered.
- Contact the national pandemic flu line service for advice and an initial assessment of symptoms in the first instance.
- Inform your Manager to let them know you are ill.

Signs and symptoms of flu

It is likely that the signs and symptoms of pandemic flu will be similar to those of seasonal flu, but they may be more severe and cause more serious complications.

The most significant symptoms are the sudden onset of:

Fever
Cough or shortness of breath

Other symptoms may include:

Headache
Tiredness
Chills
Aching muscles
Sore throat
Runny nose
Sneezing
Loss of appetite

The incubation period (time between contact with the virus and the onset of symptoms)

The range is from one to four days, though for most people it will be two to three days.

The infectious period (how long you are infectious to others)

People are most infectious soon after they develop symptoms. They can continue to spread the virus, for example in coughs and sneezes, for up to five days (seven days in children). People become less infectious as their symptoms subside, and once symptoms are gone, they are considered no longer infectious to others.

OptionsHR provides a human resource service especially designed to suit the small owner managed business sector and is able to advise on all aspects of employment legislation and the employer/employee relationship.

If you have a question or need further help please contact Sue Ferguson, OptionsHR on 0118 940 3032 or email sueferguson@optionshr.co.uk.