

Northern New England

MONDAY MORNING MINUTE

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Addressing Ebola Issues in the Workplace

The significant issues of concern under federal law regarding potential Ebola exposure in the workplace are (1) compliance with the Americans With Disabilities Act (ADA), (2) Genetic Information Nondiscrimination Act (GINA), (3) Title VII of the Civil Rights Act (Title VII), and (4) the National Labor Relations Act (NLRA).

The ADA is implicated because of medical inquiries or examinations many employers are interested in making to confirm employees can return to or remain at work safely. GINA is implicated when employers seek to find out medical information about family members. Title VII is implicated by decisions that may prompt race or national origin discrimination claims. The NLRA is implicated if the workforce is unionized and an employer is considering keeping employees out of work due to health concerns or failure to cooperate in health assessments. The NLRA also may be implicated in unionized and nonunionized workplaces if employees engage in protected concerted activity, for example, complaining about workplace safety and health conditions.

Workplace safety laws, such as the Occupational Health and Safety Act (OSHA), state workers' compensation laws, and state public health laws may also be implicated if there is a reasonable basis for believing that there was an Ebola exposure in the workplace.

There are numerous useful websites for employers grappling with Ebola issues, such as:

- **Occupational Safety and Health Administration**
www.osha.gov
- **Centers for Disease Control**
www.cdc.gov
- **World Health Organization**
www.who.int/en/

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The issues involving exposure to Ebola and workers' safety concerns are complicated and evolving. Employers should continue to stay educated and act promptly in these situations.

Your Jackson Lewis attorney can answer questions regarding this and other employment law issues.



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