

As bird flu threat grows, Hub-area cos. mull strategies

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Few companies enjoy staffing levels that would enable them to brush off a pandemic that sends a third of their work forces home to bed. But the avian flu, or what is being called bird flu, could push absentee levels that high, some say, and health and legal experts are planning for the worst.

Now they're advising businesses to do the same.

"Businesses would be smart to begin planning now for the possibility of the avian influenza," said Dr. **Anita Barry**, medical director for communicable disease control at the **Boston Public Health Commission**. "Influenza viruses mutate, and the vast majority of the population will have no immunity, so you'd see a lot of illness."

Such Boston-area operations as **EMC Corp.**, **AON Consulting** and law firm **Littler Mendelson PC** are taking the warning seriously.

These organizations are among a growing number that are implementing disaster plans that include employee education, travel restrictions, workplace safety regulations, telecommuting policies and related issues.

"The ramifications of bird flu are both

practical and legal, and they intercept. That gives an employer double incentive to pay attention," said attorney **Adam Forman**, a shareholder in Littler Mendelson's Boston office who advises companies about how to respond to the threat of a pandemic. "If employers do not prepare for this, it could be very disruptive in many ways."

In the case of an office outbreak of the bird flu, an array of issues would have to be addressed, Forman said, including overtime, sick leave, use of contract employees, rehiring retirees, as well as voluntary and mandatory business closings.

Business continuity during a pandemic may depend upon cross-training employees, including the transfer of trade secrets to employees unaccustomed to handling such confidential information.

EMC, with 7,700 employees in the Boston area, is not taking the bird flu threat lightly.

"We are planning for loss of employees, loss of suppliers, and looking at telecommuting options," said **Delia Vetter**, director of benefits for EMC. "Once the guidelines are in place, we need to train every office in every country and dedicate a crisis manager in each



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Delia Vetter, director of benefits for EMC, says the company is making contingency plans in case its work force is hit by what is being called bird flu.

area."

There are also legal issues. In a worst-case scenario, as much as 40 percent of

a company's work force may be out sick at any given time, according to some projections. But the Family and Medical Leave Act, which allows employees to take up to 12 weeks of unpaid leave for a serious health condition, applies only in companies with 50 or more employees. Plus, eligible employees must have been with the company for at least one year and worked at least 1,250 hours.

Forman said employers, regardless of how many workers they employ, should develop a communicable disease policy that addresses workers who exceed their available sick days. Other policy considerations are employees who are afraid to leave their homes, those concerned about customer contact and those affected by community containment measures and quarantines.

Then there are Occupational Safety and Health Act regulations. OSHA says an employer has an obligation to provide a healthy and safe workplace for employees. If an infected employee spreads the disease to others in the workplace, Forman said, the employer could potentially face OSHA charges and worker lawsuits if preventive measures are not taken to minimize the threat.