

From the Publisher

Swine flu: law firms hogging all the attention

By David Yas



Yeah, I'm still worried about this swine flu thing.

It's everywhere. It's talked about at home and at the office. In newspapers and on the radio. At breakfast meetings and at after-work receptions, where people nervously eye the cocktail weenies.

It's enough to make one want to ... (cough, wheeze) ... sorry, I'm not feeling well.

I mean, all the swine flu needs is its own theme song at this point.

But, thankfully, we have law firms here to make sense of it for all of us.

That's right, law firms.

As flu mania began taking flight last month, I started getting all kinds of advice from firms.

Speak to a doctor if you like. Me, I have so much advice from lawyers on the flu, I could diagnose you from across the room.

One statement I received read: "A Littler Mendelson attorney can offer thoughts on what this outbreak will mean for businesses, and offer tips and precautions companies can take to prepare and prevent the spread of the illness."

Already, my cough seems to be subsiding. Who needs a flu shot when you've got employment lawyers?

The attorneys at Proskauer Rose told me: "As part of our ongoing business continuity planning and in recognition of recent reports about the swine flu outbreak, we wanted to provide you with information about the swine flu and some steps you should take to stay healthy."

Nice of the people at Proskauer to think of my health. You can have your geek scientists in their lab coats. I'll take my guys in their power suits.

The Proskauer statement continued: "The symptoms of the swine flu are similar to those of a normal flu. Health officials recommend seeking immediate medical attention if the normal symptoms are accompanied by difficulty breathing, chest or abdomen pain, dizziness, confusion or continuous vomiting. To avoid exposure to and the spread of the disease, officials advise common-sense precautions including: washing your hands frequently; covering your nose and mouth when you cough and/or sneeze ..."

Gosh, I hadn't even thought of those things, appar-

ently the result of years of study in the Proskauer Rose biolab. Or the cafeteria. One of the two.

The information continued, imploring me to contact "Mandy" with any questions or concerns.

Got it. If I mistakenly ingest poison, I'm calling 911. But if I have trouble breathing, I'm calling Mandy.

The lawyers at Nixon Peabody told me I need to develop a "written communicable illness response plan."

I'm going to get to work on that right away. Right after I wash my hands — again.

In the meantime, I am feverishly reviewing an article I received from lawyers at Partridge, Snow & Hahn entitled "Swine Flu — What Do I Do?"

Well, say the lawyers, "simple acts like ... avoiding touching your own ears, nose and mouth, all go a long way toward staying healthy."

Sadly, the article is ambiguous as to whether I can touch other people's ears, noses and mouths.

The PSH attorneys also point out that "it is certain that the level of understanding of the potential impact of this virus will be better understood in the coming days and perhaps weeks. ... The swine flu influenza is at this time a very fluid issue."

I agree. It is a fluid issue. I'm worried about everyone's fluids. Whenever someone sneezes, I'm wrapping myself in Saran Wrap for a couple hours.

The attorneys at Schwartz Hannum advised me to update policies on telecommuting and flexible-work arrangements. The firm also suggested I update our policy on military leave, "in case the National Guard or Army Reserves are called into action."

This is a good point. I do want to support our brave brothers and sisters who are overseas fighting ... who? The pigs, I guess.

More from Schwartz Hannum:

"Implement guidelines to minimize unnecessary contact among employees and between employees and customers. Such guidelines, for example, might discourage hand-shaking and eliminate shared work stations to the extent feasible." (This is fine with me. I never liked hand-shaking in the first place.)

"Provide sufficient and accessible infection control supplies (e.g., hand-hygiene products, tissues and receptacles for their disposal) in all business locations.

"Develop and disseminate programs and materials covering pandemic fundamentals (e.g., signs and symptoms of influenza, modes of transmission), personal

protection (e.g., hand hygiene, coughing/sneezing etiquette) and response strategies (e.g., contingency plans)."

And finally: "Anticipate employee anxiety, rumors and misinformation and plan communications accordingly."

But I'm sure our employees won't experience any anxiety when I send out a detailed memo alerting them to the various jars of sanitizing gel around the office; discouraging all hand-shaking; detailing the specifics of our new coughing/sneezing etiquette policy; and reminding them not to touch their ears.

A lawyer at a firm that shall go unnamed shared the following in a client alert: "Employees facing an swine flu outbreak may be able to successfully argue that coming to work and exposing themselves to the potentially lethal virus."

There is a simple explanation for the lack of grammar in that sentence: The author may be suffering from swine flu. I'm on my way over to his office now with hand-hygiene products, tissues and receptacles for their disposal.

Meanwhile, the attorneys at Hirsch, Roberts, Weinstein remind me that "employers should also be alert to situations that could result in national origin discrimination, for example, discrimination against Mexicans."

Happily, we can still discriminate against pigs themselves, who are really to blame for this whole mess, when you think about it. Had the pigs all covered their mouths when they coughed this year, none of this would have happened.

Finally, the law firm of Prince Lobel, which has issued two swine flu alerts in recent days, advised me to appoint a designated swine flu coordinator; create a private reporting protocol; establish travel policies, especially to swine flu hot spots; implement work-at-home protocols; try to avoid contact with sick people; cross-train employees to perform the basic functions in essential company operations, such as accounting, payroll and information technology; create a project team to develop and document a comprehensive communication plan and update it frequently; and promote respiratory hygiene and cough etiquette.

That's a lot to take in, isn't it? You know what? Now I am experiencing dizziness and confusion. Gotta go. I'm calling Mandy. **MLW**