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Protect, Prevent, Live Well

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“Protecting Employees, Employers and the Public: H1N1 and Sick Leave Policies”

House Committee on Education & Labor

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Chairman Miller, Ranking Member Kline, members of the Committee, thank you for the opportunity to join you this morning to represent the views of the American Public Health Association (APHA) on the important role that sick leave policies play in the containment of H1N1 infection and in the public health well-being of America. APHA is the oldest and most diverse organization of public health professionals in the world representing a broad array of health officials, educators, environmentalists, policy-makers, and health providers at all levels working both within and outside government organizations and education institutions to improve the health of our nation and the world.

Influenza is a public health threat that arrives in our communities every fall. However, the emergence this year of the novel H1N1 virus has demonstrated the capacity for a widespread outbreak and the potential complications should the virus become a more virulent strain than exists today. We are very pleased that the Committee is looking at the critical issues facing both employees and employers as we deal with the impacts of H1N1 on the workplace.

Since identified in April of this year, health officials estimate that 22 million people have been sickened by H1N1. Latest infection estimates indicate that about 98,000 people have been hospitalized and about 4,000 have died due to H1N1; 36,000 and 540 of which are children, respectively.¹

Information analyzed by CDC indicates that the 2009 H1N1 flu has caused greater disease burden in people younger than 25 years of age than older people. Compared with seasonal flu, there are relatively fewer cases and deaths reported in those over 65 years of age. More so than seasonal flu, therefore, H1N1 flu is affecting the younger workforce.ⁱⁱ

The response toward building a resilient and healthy community requires thorough planning and a comprehensive approach at all levels of society from individuals to families; and in all places where we play, learn and work. Resiliency enables a community to withstand the ravages of a pandemic and hasten the community's return to normal. Paid sick leave for workers is essential to building resilient communities in an infectious emergency.

Operationalizing our response to the H1N1 outbreak requires a coordinated effort across all levels of society. The federal government sets the national tone for successful emergency response and provides the latest information, guidance, research and advice. In the face of H1N1, the federal government has successfully led preparedness efforts by creating a national plan, working quickly to identify the viral strain, create the substrate to grow the vaccine, and collaborating with state and local health departments to respond to the outbreak.

However, all sectors in our communities must be prepared as well. Businesses need to have a plan in place to reduce the spread of infectious disease in the workplace, and personnel policies that supports the goal of ensuring the health and wellbeing of their employees, their customers and their business. Paid sick leave for employees supports this goal.

We know that people with H1N1 are going into work everyday. Companies subject to the Family and Medical Leave Act are required to offer unpaid sick leave, but most employees without a paid sick leave benefit do not have the financial security necessary to stay home from work when they or a family member are sick. This problem is especially problematic during the current H1N1 pandemic.

I. Paid Sick Leave Benefits for Business

An unhealthy worker or somebody in the workplace spreading disease affects business. CDC estimates that a sick worker can infect one in ten co-workers. While voluntary action is an

option, an infectious worker who may spread disease to co-workers and customers is a threat not only for the business, but to the public at large as well. Sick workers are not productive ones and by spreading disease in the workplace risk the overall productivity of the business. By providing paid leave for sick workers, worker safety and business productivity can both be enhanced - a win-win for employers. This is particularly a plus for small employers where preventable losses of even a small number of workers can have a devastating effect on the business. Mandatory sick leave encourages employees to stay out of the workplace when appropriate, protecting the business and I believe hastens the employees return to productive work.

II. Paid Sick leave Benefits for Employees and Their Families

While we want to encourage workers to make healthy and rational decisions, when they are faced with the choice of staying home sick without pay or going into work sick so they can put food on the table and pay their mortgage, many workers choose to go to work and “tough it out,” putting their co-workers and their customers at risk.

Additionally, if an employee has a sick family member, often a child, the employee has to decide if they should stay home to care for the sick family member and loose pay or, send the child to school or daycare so they can go to work. Obviously, sick children should stay at home, however even caring parents challenged with the decision to pay the bills or not; may err on the side of sending the child to school, if the child does not appear to be too ill. Sick children are not productive learners, and being in school or daycare puts the rest of the community at risk, particularly with infectious diseases like influenza. Employees who are parents should not have to make this choice.

III. Paid Sick Leave Benefits for Customers and the General Public

Prevention is the best tool individuals, businesses, and communities have to staving off the spread of influenza infection. Vaccination is always the first line of defense with vaccine preventable diseases. Seasonal flu vaccine is available now and should be given as recommended by public health authorities. Initial doses 2009 H1N1 flu vaccine should also be given as recommended as available.

Nonpharmaceutical measures such as:

- 1) Covering your nose and mouth with a tissue, or your elbow, when you cough or sneeze;
- 2) Washing your hands frequently with soap and water, or alcohol-based hand-rubs if soap and water are not available; and
- 3) Social distancing strategies such as staying home from work or school if you get sick, and limit contact with others until you are symptom free for at least 24 hours to keep from infecting others.ⁱⁱⁱ Paid sick leave is an important tool to make social distancing an effective strategy in the workplace.

While there have been some improvements, too few businesses today have pandemic influenza preparedness plans in place.^{iv} APHA policy strongly supports the development and implementation of pandemic preparedness plans within the business communities.^v Such plans should include:

- 1) Employee training and education programs related to pandemic influenza to ensure that employees are aware of how to prevent transmission of the flu, signs and symptoms of the virus, and the need to stay home from work when they are sick; and
- 2) Policies for employee compensation and sick leave that would be used during a pandemic that are not punitive and provide employees with adequate financial security to enable them to stay home from work when they or a family member are sick.

Our last line of defense against spreading infection lies with each and every one of us. We have both an individual and collective responsibility to keep ourselves healthy and help prevent the spread of flu. We should follow the guidance from health authorities: get vaccinated against both seasonal and H1N1 flu, wash our hands often with soap and water, and avoid close contact with those who are sick.

If we become ill, it also means helping our family, friends, co-workers and community stay healthy by staying home from work, avoiding public places, covering our mouth and nose when we cough or sneeze, and practicing good hand hygiene.

We've come a long way in being prepared for public health emergencies such as an H1N1 flu outbreak, but we have more work to do to protect America's health. Paid sick leave for employees is one important next step.

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- ⁱ U.S. Centers for Disease Control and Prevention. Weekly 2009 H1N1 Flu Media Briefing, November 12, 2009. Available at www.cdc.gov/media/.
- ⁱⁱ U.S. Centers for Disease Control and Prevention. 2009 H1N1 Flu (“Swine Flu”) and You. Available at <http://www.cdc.gov/h1n1flu/qa.htm>.
- ⁱⁱⁱ American Public Health Association. H1N1 Facts. Available at www.getreadyforflu.org/preparedness/H1N1_new.htm.
- ^{iv} Center for Infectious Disease and Policy. Conference poll: 18% of businesses have pandemic plan [press release], February 15, 2006. Available at www.cidrap.umn.edu/cidrap/content/influenza/biz-plan/news/feb1506survey.html.
- ^v American Public Health Association. Preparing for Pandemic Influenza, Policy Number: 20063, November 8, 2006.