As the COVID-19 pandemic continues to pressure workers and businesses around the world, many owners worry about their responsibility to keep staffers safe while protecting employee health information. It's necessary to balance employees' rights to keep their medical information private.

Managing how you learn and disseminate information — and to whom — is important to understand clearly.

Employee privacy rights

Employers understand a worker's medical information is confidential and work diligently to ensure it remains private. But the balance between privacy and providing a safe work environment, which the United States Occupational Safety and Health Administration regulations require, may mean working carefully to provide needed information during the pandemic — without being too specific.

What can you ask? Who can you tell?

If employees call in sick, U.S. Equal Employment Opportunity Commission has provided guidelines for businesses on what information they can request from staffers.

Normally employers cannot request personal health information from employees. However, during this pandemic, employers may now ask workers who call in sick if they're experiencing symptoms of COVID-19, including:

- Fever

- Chills

- Cough

- Shortness of breath

- Sore throat

You may also ask the employee if they have been tested, or have the results of a COVID-19 test.

If an employee tests positive for COVID-19

Businesses should consider notifying direct coworkers and customers if an employee has ***tested positive*** for COVID-19 ***without*** including the employee's name or other information that might identify

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them. Limit notifications to colleagues and customers who have a legitimate reason for concern for their own health.

Coworkers and customers who work closely with the ill employee — or those who may have been in close proximity when the employee sneezed or coughed — would be priority notifications.

Make sure to sanitize areas that the employee has been, such as:

- Lunch/break rooms

- Offices

- Hallways

- Lavatories

Remind staffers who exhibit any symptoms to stay home and seek medical attention.

IN SMALL COMPANIES, IT MAY BE IMPOSSIBLE FOR EMPLOYEES NOT TO FIGURE OUT WHO THE AFFECTED COWORKER IS — BUT YOUR OBLIGATION TO PROTECT THEM WON'T CHANGE.

If an employee has unconfirmed symptoms

If an employee notifies you they're experiencing coronavirus signs, your response should be the same as if they tested positive. With limited tests available there may be a lengthy wait for confirmation.

Notify staffers who were in close proximity to that employee that a colleague has symptoms that *may indicate* COVID-19. Do this while withholding any personally identifiable information. Follow the same sanitizing protocols and remind staffers to stay home and seek medical attention if they develop any symptoms.

Currently, if an employee **tests positive** for COVID-19, health authorities will likely disclose that information to their employer. Local health groups will likely notify you about the employee and you will be free to discuss the exposure to staff members — again, without disclosing personally identifiable information.

Can you take temperatures?

The EEOC's pandemic rules now allow employers to take the temperature of employees and applicants when they come to work or to interview. Remember, however, that not everyone who has been infected with the virus will have a fever. Keep up your safety protocols throughout the duration of pandemic, whether employees are symptomatic or not.

CDC recommendations

The U.S. Centers for Disease Control recently issued recommendations to guide employers on keeping workplaces as free of disease as possible. These should be part of your organization's protocols and can even create a starting point for a sick leave or communicable disease policy.

Stay at home

The CD recommends businesses encourage workers experiencing any type of respiratory symptoms, cough, or fever to stay at home for at least 24 hours after their symptoms have stopped without the use of medicines.

Send them home

Employees who come to work with respiratory illness symptoms, like a cough or shortness of breath, should be immediately separated from other employees and sent directly home to seek medical attention.

Addressing the rumor mill

The challenge will be to balance privacy versus protection. Once the word spreads that someone is either symptomatic or confirmed with COVID-19, rumors will begin to circulate. When employees come to you for verification, tell them only what is allowed: medical information of a confirmed or suspected case, without the employee's name.

Inform staff members that you have individually notified those in close contact with that employee, and that you have notified them to be vigilant in monitoring their own health. In small companies, it may be impossible for employees not to figure out who the affected coworker is — but your obligation to protect them won't change. Don't confirm or deny when asked who the coworker is — remind staffers that medical information is private and you must respect their colleague's rights.

Managing concerns

Workers will have concern if a colleague has been diagnosed or is symptomatic of COVID-19. Your next job will be to keep the concern from developing into a panic. Make sure to reinforce safe work practices — distancing, frequent hand washing, and sanitizing surfaces.

Remind employees they should stay home if they are feeling ill and send them home if they report to work ill. While concerns are legitimate, it's important to remind staff to remain calm and work cooperatively to protect themselves and each other.