



LOCKTON HEALTH RISK SOLUTIONS®  
LOCKTON BENEFIT GROUP



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## What You Need to Know About the Zika Virus

Earlier this week, the World Health Organization (WHO) officially declared the Zika virus a global emergency. (Please [click to learn more](#).) Further, the US government has recommended that pregnant women postpone travel to areas affected most by the disease. (See information for pregnant women on the [CDC website](#).)

As a result, you may be wondering what your role is, as an employer, when it comes to Zika virus. Do you have an obligation to protect or accommodate your employees who may be traveling to areas affected by the virus? Some factors you should consider are described below. In addition, we have developed another [alert](#) that provides an update on the Zika virus. We encourage you to share it with your employees as you see fit.

### **Employers cannot prohibit female employees from traveling for work.**

A Supreme Court ruling in 1991 in the [UAW v. Johnson Controls](#) case made clear that Title VII prohibits companies from firing or excluding qualified women from jobs that may pose reproductive health hazards. Prohibiting female employees from traveling to locations that have been identified by the CDC where individuals have been infected would be sex discrimination.

### **Upon an employee's return from traveling to one of the identified countries, should you require an employee to submit to a medical exam to screen for the Zika virus?**

The Americans with Disabilities Act (ADA) prohibits medical examinations of employees except in few limited circumstances where the employer "has a reasonable belief, based on objective evidence, that an employee will pose a [direct threat](#) due to a medical

condition..." to an individual's or others' health.

### **Stay current on new developments.**

During a pandemic, employers should rely on the latest CDC and state or local public health assessments. While the Equal Employment Opportunity Commission (EEOC) recognizes that public health recommendations may change during a crisis and differ between states, employers are expected to make their best efforts to obtain public health advice that is current and appropriate for their location, and to make reasonable assessments of conditions in their workplace based on this information. Assessment by the CDC or public health authorities would provide the objective evidence needed for a disability-related inquiry or medical examination. (Please click for information on [pandemic preparedness](#).)

### **Keep your employees informed.**

As an employer, your biggest responsibility to your employees is to make sure they are informed. Communicating to employees what information is known about the Zika virus, possible symptoms, as well as ways the virus can be transmitted, is incredibly important. While most transmissions have occurred through mosquito bites, earlier this week it was announced that Zika was transmitted sexually. It's important to be inclusive in your communications rather than limiting them to your female employees. Our [alert](#) is a good place to start.

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