Can Restaurant Managers Talk with Sick Workers?
3 Things Restaurant Managers Need To Know

Restaurant managers: Talk to your employees about their symptoms and diagnoses so you can make sure sick workers don’t spread foodborne illness.
- Nearly half of restaurant-related outbreaks are caused by sick food workers.
- Managers need to know if their workers are sick so they can decide if they should handle food.

1. **The Food Code encourages employee and manager conversations about foodborne illness.**
   - The Food Code is a science-based model code published by the Food and Drug Administration that states can use to develop or update their food safety rules to help prevent illness and outbreaks.
   - It says that employees should tell their managers about possible foodborne illness symptoms and that it is the manager’s responsibility to ensure employees are aware of these reporting requirements.
   - Most state and local food codes in the United States are modeled on the FDA Food Code.

2. **The Health Insurance Portability and Accountability Act of 1996 (HIPAA) does not prevent restaurant managers from asking employees about foodborne illness symptoms and diagnoses.**
   - HIPAA sets privacy standards for protected health information.
   - HIPAA does prevent a health care provider from sharing health information about an employee with that employee’s manager but it does not prevent a restaurant manager from asking an employee about their illness symptoms.

3. **The Americans with Disabilities Act of 1990 (ADA) does not prevent managers from asking employees about foodborne illness symptoms and diagnoses.**
   - ADA seeks to prevent discrimination and ensure equal opportunity for persons with disabilities.
   - Most foodborne illnesses are mild and short-term and are not considered disabilities under ADA.
   - If an employee does not have an ADA disability, the manager can follow the Food Code’s guidance without considering the ADA. And in the rare event that an employee does have a foodborne illness that is considered a disability, employers would consider both ADA and the Food Code.

Restaurant managers and employees can work together to prevent the spread of foodborne illnesses.

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