

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.



Three Things To Know

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.

Where Can I Learn More?

For access to the full article this content is based on and other helpful links, visit <https://www.cdc.gov/ehs/food/can-restaurant-managers-talk-with-sick-workers.html>