

Infected food workers cause 70% of reported norovirus outbreaks from contaminated food.[1]

On average - each case of foodborne illness costs over \$1600. [2]

1 in 5 food service workers reported working while sick with vomiting and diarrhea.[3]

# GUIDE TO DEVELOPING A RESTAURANT ILL WORKER MANAGEMENT PLAN

This guide is as a resource to help restaurant staff, managers, and owners develop and use policies to manage ill employees and keep the illness from spreading to co-workers and patrons.

This guide may not address all of the requirements of your local health department. Please work with them to make sure that you not only comply with the minimum standards and are being proactive and going above the minimum standards.

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This is a true story. The names and location have been left out to protect those involved.

It's a nice sunny July day when Chef Johnny is feeling sick. He is vomiting and running to the bathroom with diarrhea. He calls his restaurant manager to tell him that he is sick and won't be able to come in to cover his shift. The manager tells him he has to come in and work as there is no one else to cover his shift and this is their busy season with the upcoming 4<sup>th</sup> of July holiday. Chef Johnny comes into work, pale, with a slight temperature, and still running to the bathroom with his vomiting and diarrhea. The manager sees this and tells him to buck up and wash his hands more often and then heads home. Ultimately, at least 43 individuals (the actual number is likely much higher as the restaurant primarily served tourists) contracted norovirus from this one episode. Five of these individuals required medical transport to the hospital for care. In this incident, both the general and kitchen managers lost their jobs, the restaurant became liable for the illness they caused, and local media reporting on the incident led the restaurant to suffer a loss of reputation and a significant decrease in business for the rest of the summer.

## WELCOME

An ill employee: eventually every restaurant will have one. How management responds can make the difference in limiting the spread of illness to their co-workers and your patrons or your restaurant serving to further spread illness.

There are more than 250 different diseases that can be transmitted through food [4], many of which are easily transmissible from an ill food worker. Food regulations are designed to keep ill food service workers from working with food (this guide is based on the 2013 FDA Food Code and the requirements in your jurisdiction may be different). These regulations are primarily based on the symptoms of the illness, specific diagnoses, or someone's exposure to a foodborne outbreak. It is up to you as the manager or owner to make sure that these sick individuals are not spreading their illness through food.

## OKAY, I DON'T WANT SICK EMPLOYEES WORKING! WHAT ARE THE NEXT STEPS?

This guide is designed to provide you with the tools to decide in advance what actions to take and what systems you will use to encourage employees to stay home and not spread their germs around the restaurant. The first step is to develop an ill worker policy (also sometimes referred to as an employee health policy) that will explain the restaurant's expectations and the roles and responsibilities of both employees and management in preventing the spread of illness from an ill worker. Success depends on creating a policy that is practical for your restaurant to implement, training employees and management staff about the policy, and verifying that the policy is being followed.

## MINIMUM REQUIREMENTS

The policy must at a minimum meet the local health department's requirements. Appendix 1 provides a sample template for a policy that is designed to meet the needs for a restaurant that is serving a general population (not the very young, elderly, or immune-compromised – these would be considered serving a highly susceptible population facility and would need to make adjustments to the policy) that is based on the 2013 FDA Food Code. The minimum requirements address when an

employee should be excluded (not allowed to work in a food establishment for a given amount of time) or restricted (not allowed to work with exposed food or anything that will come in contact with exposed food). If you are serving a highly susceptible population, please check with your local health department to determine the minimum standards that apply to your restaurant.

## PROVISIONS TO CONSIDER

When developing an ill worker policy, consider why a worker might decide to work while ill. Food service workers have reported a number of reasons and they fall into two broad categories: financial pressure; and social pressure [3, 5].

### FINANCIAL PRESSURES

Food service workers have reported working while ill because they can't afford to stay home while they are sick and miss a day of work. Financial pressures can be reduced by having policies that:

- Offer sick pay (many localities are now requiring sick pay for food service workers) and/or
- Allow the employee to make up the missed shifts when they are healthy.

While these practices may incur additional cost for the restaurant, that should be weighed against the costs: lost productivity if other workers become ill; the direct cost if a customer becomes ill; loss of reputation in the age of social media; and potential closure by the local health department.

### SOCIAL PRESSURES

Food service workers have also reported working while ill due to pressure from both their managers and their co-workers. They do not want to risk losing their job, and they also do not want to leave their co-workers short-staffed. Social pressures may be alleviated by:

- Maintaining an on-call roster of other employees that can pick up the shift.
- Having managers find a replacement for the ill worker (so sick workers don't have to try to find a replacement while they are actively sick.)
- Ensuring employees are aware they should not work while ill and that management supports this policy.

### ADDITIONAL CONSIDERATIONS

While these additional provisions are not often associated with an employee working while ill, they can also affect the transmission of illness.

- The amount of time an ill worker is required to stay out of the restaurant. One of the most common causes of vomiting and diarrhea is norovirus. People with norovirus can be contagious for up to two weeks or longer after they recover. The Food Code typically requires individuals with vomiting or diarrhea to not work (or be excluded) for 24 hours after their symptoms have gone away. This exclusion period can be extended to 48 or even 72 hours. Some jurisdictions currently require the longer exclusion period to reduce the risk of an employee further contaminating surfaces at work. Increasing the amount of time that someone that had vomiting and/or diarrhea is excluded from work can help minimize the risk of illness transmission to other workers and your patrons.
- Providing employer-sponsored vaccinations. Certain foodborne diseases such as Hepatitis A are vaccine preventable. Similarly, other diseases that may not be foodborne can be reduced with a vaccination (such as influenza) which would reduce an employee's time away from work if they catch the illness.

- Providing employer-subsidized health insurance. If an employee has health insurance, they may be able to seek treatment and either prevent or at least recover from an illness sooner.

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## OTHER POLICIES THAT MINIMIZE THE SPREAD OF AN ILLNESS

Ideally, all ill individuals will be excluded or restricted from food-handling duties, however, some individuals may be asymptomatic (ill but not showing any symptoms). This is why good personal hygiene practices are so important. This is where your employee health policy is linked with other policies that an establishment should have. Some of these practices may be mandated by local regulation.

- Proper and frequent handwashing – Many of the foodborne pathogens are spread through the fecal-oral route or by cross-contamination of an employee's hands. By washing hands frequently - and especially after using the restroom or changing tasks - the risk of transmission of these pathogens can be reduced.
- Prohibiting bare hand contact with ready-to-eat foods – Ready-to-eat foods will not be cooked (or need to be reheated prior to service) so it is important to prevent any contamination of these foods. Minimizing or eliminating bare hand contact with these items will reduce the risk of contamination. This does not mean only using single use gloves, but using a barrier between the employee's hands and the food (e.g. using tongs, spatulas, or deli paper).
- Developing procedures and creating a kit for cleaning up any incidents of vomiting or diarrhea that may occur in the restaurant -- These incidents have a high potential to spread harmful pathogens. Rapid and proper clean up can prevent the spread of the pathogens throughout the restaurant.
  - o Various organizations have developed sample plans that can be adapted to your restaurant.<sup>1</sup>

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## FOR MORE INFORMATION

- Your first stop for more information should be your local health department. They can provide you with the local requirements that apply to your restaurant.
- FDA Food Code<sup>2</sup> §2-201 (look in Annex 3 of the Food Code for the Public Health Reasons/explanation)
- FDA Employee Health and Personal Hygiene Handbook (includes sample forms for interviewing employees about their illness)<sup>3</sup>
- FDA Oral Culture Learner Project – Educational materials for retail food employees<sup>4</sup>
- CIFOR Industry Guidelines for what to do if you have an illness outbreak<sup>5</sup>

<sup>1</sup> Sample policies are available from various organizations at:

- [http://www.disinfect-for-health.org/wp/content/themes/disinfect/pdfs/NorovirusIncident\\_8.5x11\\_English\\_Color.pdf](http://www.disinfect-for-health.org/wp/content/themes/disinfect/pdfs/NorovirusIncident_8.5x11_English_Color.pdf)
- [http://www.fmi.org/docs/food-safety/norovirus\\_info\\_guide.pdf?sfvrsn=2](http://www.fmi.org/docs/food-safety/norovirus_info_guide.pdf?sfvrsn=2)

<sup>2</sup> The 2013 FDA Food Code is available at:

<http://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM37451>  
accessed: 11/21/2016

<sup>3</sup> FDA Employee Health and Personal Hygiene Handbook is available at:

<http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/IndustryandRegulatoryAssistancees/ucm113827.htm> last accessed: 11/21/2016

<sup>4</sup> FDA Educational materials for retail food employees is available at: <http://www.fda.gov/foodemployee>  
accessed: 11/21/2016

<sup>5</sup> CIFOR Industry Guidelines is available at: <http://www.cifor.us/projind.cfm> last accessed: 11/21/2016

REFERENCES

1. Hall, A.J., et al., *Vital signs: foodborne norovirus outbreaks - United States, 2009-2012*. MMWR Morb Mortal Wkly Rep, 2014. **63**(22): p. 491-5.
2. Scharff, R.L., *HEALTH-RELATED COSTS FROM FOODBORNE ILLNESS IN THE UNITED STATES*. 2010, Produce Safety Project of Georgetown University. p. 1-28.
3. Carpenter, L.R., et al., *Food Worker Experiences with and Beliefs about Working While Ill*. Journal of Food Protection, 2013. **76**(12): p. 2146-2154.
4. Centers for Disease Control and Prevention. *Foodborne Illnesses and Germs*. 2016 9/1/2016 [cited 2016 11/18/2016]; Available from: <http://www.cdc.gov/foodsafety/foodborne-germs.html>.
5. Sumner, S., et al., *Factors Associated with Food Workers Working while Experiencing Vomiting or Diarrhea*. J Food Prot, 2011. **74**(2): p. 215-20.

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## APPENDIX 1 – RESTAURANT EMPLOYEE HEALTH POLICY CHECKLIST

- Does my restaurant have policies and/or procedures to manage what to do when an employee reports an illness?

### POLICY DEVELOPMENT

Does our policy:

- Explain who the policy applies to?
- Require reporting of employee illnesses to managers/owners<sup>6</sup>?
- Define when to exclude (not allow to work in the restaurant) or restrict (not allow employees to work with exposed food or surfaces that will come into contact with food)?
  - o If someone is restricted – Does the policy identify job tasks that they can perform?
- Define when an employee who was ill can return to work?
- Define when and who needs to be notified if an employee reports an illness (e.g. owner, local health department, etc.)?
- Include provisions to address financial and social pressures on workers?
- Meet the minimum standards in the Food Code?
- Exceed the minimum standards in the Food Code?
- Written?

### POLICY IMPLEMENTATION

- Are managers trained on the policy and how to implement it?
- Are new employees trained on the policy?
- Are existing employees trained on the policy and are periodic refresher trainings provided?
- Is a copy of the policy available to managers and employees?
- Do managers routinely ask employees about potential symptoms they may be experiencing?

### POLICY EFFECTIVENESS

- Are copies of employee reporting agreements<sup>6</sup> on file (are they periodically refreshed with new agreements)?
- Is an employee illness interview completed for each employee that reports an illness<sup>7</sup>?
- Is the reporting log updated for each employee that calls in sick<sup>8</sup>?

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<sup>6</sup> A sample employee reporting agreement is available in Annex 7 (Form 1-B) of the FDA Food Code available at <http://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM374511.pdf> accessed:11/21/2016

<sup>7</sup> A sample employee interview form is available in Annex 7 (Form 1-A) of the FDA Food Code (link provided)

<sup>8</sup> A sample log is provided in Appendix 4 of this document from the State of Minnesota



## APPENDIX 2 – SAMPLE EMPLOYEE HEALTH POLICY

**This is not a complete policy, it only provides a framework for policy development. You will want to customize this to meet their specific needs. Please refer to Appendix 1 for items that should be addressed.**

The policy of {restaurant name} is to not have ill workers present or working with food or items that may come into contact with food. This is to minimize the potential of ill workers transferring their illness to others through food or surfaces.

### APPLICABILITY

This policy applies to all food-service employees, including front of the house, back of the house, and management staff. It also includes conditional employees (those that have received a job offer but have not started working).

### CONDITIONAL EMPLOYEES

After being selected for a position and conditional on their responses, all conditional employees must complete the Conditional Employee Interview<sup>9</sup>.

### NEW EMPLOYEES

All new employees will be trained by the General Manager on this policy and complete an Illness Reporting Agreement<sup>10</sup>. A copy of the agreement will be provided to the employee and the original will be stored in the employee's personnel file.

### EMPLOYEES REPORTING ILLNESS OR A POTENTIAL EXPOSURE

Employees reporting that they are ill, were diagnosed with an illness, or were potentially exposed to an illness will be interviewed by the manager prior to starting their shift and preferably over the phone. The manager will complete the Employee interview for any reported illness. Based on the results of the interview, the employee may be restricted in their duties or excluded from the restaurant. The Manager that conducted the interview will use the attached decision tree to decide upon the proper course of action. The interview form will be maintained in the employees personnel file.

If an employee has a symptom of jaundice or is diagnosed with an illness, the manager must contact the regulatory authority with the relevant information. This is to limit the potential spread of illness.

Employees must remain either excluded from the establishment or restricted from handling exposed food (or items that will come in contact with food) until they have been cleared by a medical professional or have met one of the other methods specified in the FDA Food Code. Documentation of the clearance will be attached to the interview form and maintained in the employees' personnel file.

<sup>9</sup> A sample Conditional Employee or Food Employee Interview is available as Form 1-A in Annex 7 of the F

<sup>10</sup> A sample Conditional Employee or Food Employee Reporting Agreement is available as Form 1-B in Model Food Code

## ON-CALL EMPLOYEES

To minimize disruptions, an on-call roster will be maintained of employees that can be contacted to cover a shift. The Manager will use this list to bring in additional staff to cover a shift for an ill worker, as the employee is likely too ill to make the calls.

## PAID SICK LEAVE

It is the policy of this restaurant to provide { } numbers of days per year of sick leave to encourage employees to remain at home and not feel that they need to work while ill. This will help prevent spreading illness to customers and staff of the restaurant. Sick pay will be at the rate of \${ } per shift that the person would normally have worked.

## PRACTICES TO MINIMIZE THE SPREAD OF ILLNESS

While some infected individuals may be asymptomatic (not showing symptoms), it is imperative that good hygienic practices be implemented at all times. This includes proper and frequent handwashing, such as:

- After touching bare human body parts other than clean hands and clean exposed portions of arms
- After using or visiting the bathroom
- After caring for or handling service animals or aquatic animals
- After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking
- After handling dirty equipment or utensils
- During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination
- When changing tasks
- When switching between working with raw food and working with ready-to-eat food
- Before putting on gloves to start working with food
- After engaging in other activities that contaminate the hands

In addition to proper<sup>11</sup> and frequent handwashing, it is the policy of this restaurant that there is no bare hand contact with ready-to-eat foods. This can be accomplished by using the utensils provided, deli paper as a barrier, or by using gloves. Proper use of barriers is covered during orientation.

## EMPLOYEE RESPONSIBILITIES

Employees are responsible for adhering to these policies. This includes reporting illness, diagnosis of an illness, or potential exposure to an illness. Employees are also responsible for preparing and handling food in a safe and sanitary manner.

## MANAGEMENT RESPONSIBILITIES

Management is responsible for:

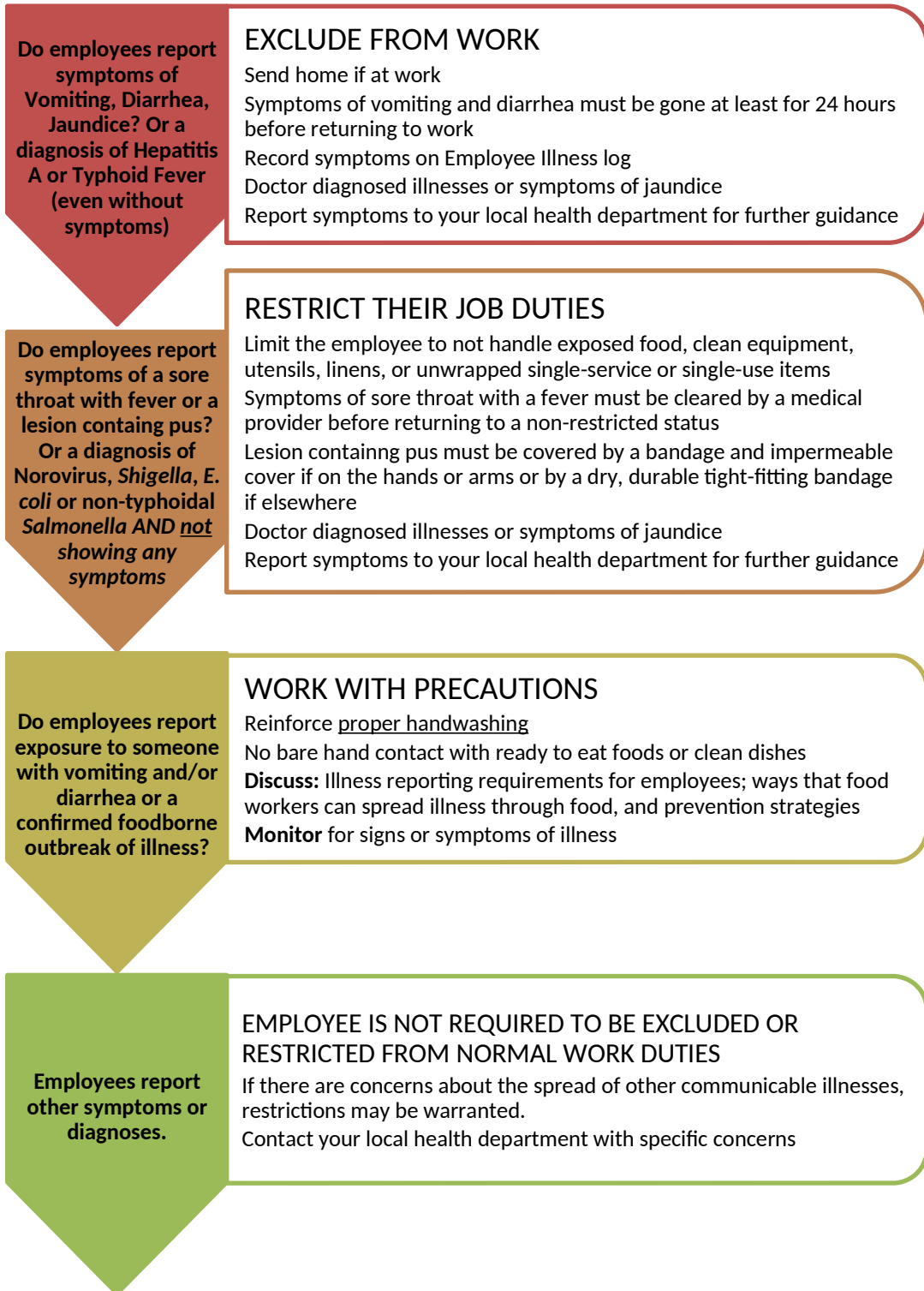
- Ensuring employees are trained on these policies.

<sup>11</sup> The proper procedure for handwashing is detailed in the FDA Food Code (2-30.12 Hands and Arms Clean). The FDA Food Code is available at: <http://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodCode/UCM374510.pdf> last accessed:11/21/2016

- Interviewing employees who report an illness, diagnosis, or potential exposure and following the appropriate action based on the decision trees (see Appendix 3).
- Monitoring employees and interviewing employees who have not reported illness, but who show signs of illness.
- Ensuring hand sinks are functional, stocked with supplies, and accessible
- Ensuring sufficient supplies are provided to minimize bare hand contact with ready-to-eat foods (foods that will not need to be cooked further to be eaten).

APPENDIX 3 – EMPLOYEE HEALTH DECISION GUIDE<sup>12</sup>

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<sup>12</sup> This is based on the Minnesota Employee Illness Decision Guide

APPENDIX 4 – EMPLOYEE ILLNESS REPORTING LOG<sup>13</sup>

Employee Illness Log

Report Date	Employee Name	Symptoms/Illness Reported to Manager								Diagnosed?	
		Vomiting**	Diarrhea**	Jaundice (yellowing of eyes or skin)	Fever	Respiratory (cough, sore throat, runny nose)	Comments or Additional Symptoms	Date Returned to Work	E. coli O157:H7, Salmonella, Shigella, or Hepatitis A	Reported to local health dept? Y or N	
01/01/01	John Doe Example		X					Sent home due to diarrhea	01/03/01	N	N

**\*\* Employees with diarrhea or vomiting MUST BE EXCLUDED from work for AT LEAST 24 HOURS after symptoms resolve**

Infected food workers present a severe food safety risk. The person in charge of the food establishment is required to notify the local health department if any food employees are known to be infected with: Hepatitis A; Salmonella; Shigella; shiga-toxin producing E. coli; norovirus; or other pathogens that can be transmitted through food.

<sup>13</sup> This log is based on the Minnesota Employee Illness Log available at: <http://www.health.state.mn.us/foodsafety/dwi/empillog.html> Last accessed 2/10/2017.

## APPENDIX 5 – STEPS FOR CLEANING UP VOMIT & DIARRHEA

The 2013 FDA Food Code introduced §2-501.11, which requires a restaurant to have procedures to respond to an incident of vomiting or diarrhea. When someone vomits or has diarrhea in the restaurant there is an increased risk for the spread of harmful germs. Different organizations have put together references that you may want to use in developing your plan (see footnotes at the bottom of the page for links)<sup>14</sup>, however you should develop a response plan that is tailored to your establishment (for instance it should specify where you keep the cleaning materials, what specific cleaning chemicals you should use, and how to use them).

In general, the policy should address the following areas:

- Pre-incident or before an incident occurs
  - Develop procedures for how to respond
    - What to do if an incident occurs
      - How to block off or isolate the area to prevent the spread of any of the fluids
      - How to clean different areas
        - What happens if the incident occurs in the kitchen vs the dining room
      - What to do with any food that may have been exposed
  - Assemble response kit
    - Include personal protective equipment for employees
    - Cleaning supplies that can be discarded after use
      - For disinfectants, make sure that they are effective against norovirus
    - A copy of the procedures for cleaning up the spilled fluids
  - Train employees or managers on how to respond to the incident
    - Location of the response kit and how to use it
- Event occurs
  - Follow your established procedures
- Post-incident or what to do afterwards
  - Review with employees what went well and what could be done better
  - Restock the response kit
  - Monitor employees for any sign of illness for the following week

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<sup>14</sup> Sample policies are available from various organizations at:

- [http://www.disinfect-for-health.org/wp/content/themes/disinfect/pdfs/NorovirusIncident\\_8.5x11\\_English\\_Color.pdf](http://www.disinfect-for-health.org/wp/content/themes/disinfect/pdfs/NorovirusIncident_8.5x11_English_Color.pdf)
- [http://www.fmi.org/docs/food-safety/norovirus\\_info\\_guide.pdf?sfvrsn=2](http://www.fmi.org/docs/food-safety/norovirus_info_guide.pdf?sfvrsn=2)
- Check with your local health department for their recommendations
- Check with your cleaning chemical suppliers, they may be able to provide information on different products