

Can Restaurant Managers Talk with Sick Workers?

Three Things Restaurant Managers Need To Know

Restaurant managers: You can talk to your employees about their symptoms and diagnoses.

- The Food Code **encourages** such conversations. And HIPAA and ADA do not prevent them.
- Managers **need to know if their workers are sick** so they can make sure sick workers do not spread foodborne illness.

More than half of all U.S. outbreaks of foodborne illness are associated with restaurants, delis, banquet facilities, schools, and other institutions. Restaurant managers and employees can work together to prevent the spread of foodborne illness.



Three things to know

1 The Food Code

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 (FDA).
- States can use it to develop or update food safety rules to help prevent illness and outbreaks.
- It says that employees should tell their managers about possible foodborne illness symptoms.
- It also says managers are responsible for ensuring employee awareness of these reporting requirements.
- Most U.S. state and local food codes use the FDA Food Code as a model.

2 Health Insurance Portability and Accountability Act of 1996 (HIPAA)

HIPAA **does not prevent** restaurant managers from asking employees about foodborne illness symptoms and diagnoses.

- HIPAA sets privacy standards for protected health information.
- HIPAA prevents a **health care provider** from sharing employee's health information with their manager.
- HIPAA does not prevent a **restaurant manager** from asking an employee about their symptoms.

3 Americans with Disabilities Act of 1990 (ADA)

ADA **does not prevent** managers from asking employees about foodborne illness symptoms and diagnoses.

- 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 without considering ADA.
- If an employee has a foodborne illness that is considered a disability (this is rare), employers would consider both ADA and the Food Code.



More Information

For access to the full article this content is based on and other helpful links, visit www.cdc.gov/restaurant-food-safety/communication-resources/talking-with-sick-workers.

