



# High heels and swine flu



**“Use a condom” was not exactly the answer I was looking for when I asked a client of late what his maternity policy was. I was undertaking a review of their employment handbook and I did not know quite whether to grimace or laugh at the somewhat totally politically incorrect joke. The fact that I am fairly sure I will be representing the company in an employment tribunal or the simple fact that he may not have been joking!**

The world we live and work in these days is a fascinating complex melting pot of health and safety law, constantly changing employment regulations, case law and statute. There is no sympathy before the employment tribunal these days for ignorance or indeed politically incorrect sentiment/humour (however well or otherwise intended).

A quick trawl through the internet reveals that high heels should now apparently be banned from the work place because they are sexist and pose a health and safety hazard. According to union bosses they are demeaning to women and “inappropriate”. Union leaders have said that female workers should instead sport “sensible shoes” to avoid injuries and long-term foot and back problems. Needless to say the claims were directed at females wearing such attire which is probably sexist in the first place paradoxically.

Thankfully this article is not long enough to go into the pros and cons of men wearing such footwear and exercising their right to be in touch with their female side in the work place, and the discrimination issues that may arise from allowing, or disallowing them. One does wonder where on earth this is all going to end?

Deciding to choose a topical (and potentially lethal) subject, I happened upon a discussion recently regarding swine flu and what employers need to know. Aside from my knee jerk reaction of – do not travel to Mexico and avoid people sneezing all over you on trains – I thought it may be of note to set out brief comments which may be of surprise...

All employers are under a general duty to their employees to provide a safe place and system of work. This duty is very far-reaching and should be considered to take into account the apparent threat to employees health that swine flu presents.

We must not also forget the obligations to protect employees under the Health and Safety at Work Act 1974 which dictates that an employer’s general duty extends to the provision and maintenance of

a working environment for employees, that is, so far as is reasonably practicable, safe, without risks to health and adequate as regards to facilities and arrangements for their welfare at work.

What does all this mean? It means simply that as an employer one should review the current health and safety procedures and implement swine flu specific policies and procedures in an effort to prevent it spreading and/or manage the illness.

This means, amongst many others:

- 1 Raising awareness of symptoms and instructing the employees not to report to work if they suspect they have contracted the virus
- 2 Organise a more frequent cleaning of communal work areas
- 3 Providing antibacterial hand gel
- 4 Review how to deal with reintroducing employees previously off work caring for ill relatives
- 5 Identifying those employees that are most at risk of infection and taking steps to reduce the risks
- 6 Identifying vulnerable employees such as pregnant women and via a risk assessment, asking if working arrangements need to be altered to best protect those employees

Employers should be aware that their employees can self-certify for a period of no more than 7 days. They may not, however be able to risk going to a doctor for fear of further contamination – as such each instance needs to be judged very carefully on its merits.

If an employee tries to use the excuse of not reporting to work for fear of contracting the flu virus, the employer could well discipline and ultimately dismiss that employee for such conduct (having due regard to their own disciplinary and grievance procedures naturally).

All in all it would appear that the general threat to mankind can also threaten your bottom line if you fall foul of ignoring the above as certain. It appears that one needs to keep a close eye on what is going on generally in the world now and and proactively reflect that in your policies and procedures. Now where on earth did I put those 6 inch heels...

If anybody has any legal queries whatsoever please do not hesitate to contact Giles D Ward on 0113 245 0852.

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