

Can Restaurant Managers Talk with Sick Workers?

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 is used to develop and update food safety rules to prevent illness and outbreaks.
 - The Minnesota Food Code (MN Statute 4626) is modeled on the FDA Food Code.
 - It says that employees should tell their managers about possible foodborne illness symptoms and it is the manager's responsibility to ensure employees are aware of the reporting requirements.
- 2. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) does not prevent restaurant managers from asking employees about 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.**
 - 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. 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.

Information from the Centers for Disease Control and Prevention, [Environmental Health Services Research](#).