

**Conference for Food Protection  
2010 Issue Form**

**Internal Number: 002  
Issue: 2010 I-012**

|                                |                             |                           |                 |
|--------------------------------|-----------------------------|---------------------------|-----------------|
| <b>Council Recommendation:</b> | Accepted as Submitted _____ | Accepted as Amended _____ | No Action _____ |
| <b>Delegate Action:</b>        | Accepted _____              | Rejected _____            |                 |

*All information above the line is for conference use only.*

---

**Title:**

Employee Written Agreement for Employee Health Reporting

**Issue you would like the Conference to consider:**

Food workers working in a food establishment and preparing food while ill is a major cause of foodborne illness. The Food Code states that the Permit Holder is required to have employees and conditional employees report information about their health as it relates to diseases transmissible through food. There is no provision for documentation of this requirement, and, therefore, no accountability for compliance with this responsibility. The issue would require that the permit holder obtain a signed written agreement from employees and conditional employees.

**Public Health Significance:**

According to the Centers for Disease Control and Prevention, approximately 25% of foodborne outbreaks caused by viruses or bacteria may be attributed to infected food workers. Eighty-five percent of front line workers have no paid sick leave prompting many employees to continue to work while ill (ACORN, 2007.)

In 2007, thousands of Harris County restaurant patrons were potentially exposed to food handled by an employee infected with hepatitis A. This food worker handled ready-to-eat foods without using gloves or utensils, and it could not be verified that the employee followed appropriate hand washing procedures. In order to prevent illness among those who were potentially exposed, health officials administered a preventive vaccine to over 2,000 restaurant customers. This effort cost taxpayers \$70,000 in medication costs and required hundreds of staff hours.

The following paragraphs of Annex 3 of the 2009 FDA Food Code emphasize the importance of educating employees regarding their personal responsibility in reporting certain health conditions that have the potential of transmitting foodborne disease.

## **2-201.11 Responsibility of the Person in Charge, Food Employees, and Conditional Employees.**

*Proper management of a food establishment operation begins with employing healthy people and instituting a system of identifying employees who present a risk of transmitting foodborne pathogens to food or to other employees. The person in charge is responsible for ensuring all food employees and conditional employees are knowledgeable and understand their responsibility to report listed symptoms, diagnosis with an illness from a listed pathogen, or exposure to a listed pathogen to the person in charge. The person in charge is also responsible for reporting to the regulatory official if a food employee reports a diagnosis with a listed pathogen.*

*This reporting requirement is an important component of any food safety program. A food employee who suffers from any of the illnesses or medical symptoms or has a history of exposure to a listed pathogen in this Code may transmit disease through the food being prepared. The person in charge must first be aware that a food employee or conditional employee is suffering from a disease or symptom listed in the Code before steps can be taken to reduce the chance of foodborne illness.*

*The person in charge may observe some of the symptoms that must be reported. However, food employees and conditional employees share a responsibility for preventing foodborne illness and are obligated to inform the person in charge if they are suffering from any of the listed symptoms, have a history of exposure to one of the listed pathogens, or have been diagnosed with an illness caused by a listed pathogen. Food employees must comply with restrictions or exclusions imposed upon them.*

Requiring food workers or conditional workers to sign a written agreement would remind and strongly emphasize to employees the importance of their responsibility in reporting these illnesses and symptoms and allow the person in charge to make the necessary decisions to exclude or restrict the employees. A written agreement would help promote open communication and reporting of illness and would educate staff on the health conditions they are required to report.

### **Recommended Solution: The Conference recommends...:**

that a letter be sent to the FDA recommending that a permit holder keep signed documents on file at the establishment that inform and require employees and conditional employees to report illness transmissible through food.

### **Amend Section 2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees to read:**

**(A) The PERMIT HOLDER shall require FOOD EMPLOYEES and CONDITIONAL EMPLOYEES to report to the PERSON IN CHARGE information about their health and activities as they relate to diseases that are transmissible through FOOD. The PERMIT HOLDER shall require that each FOOD EMPLOYEE and CONDITIONAL**

**EMPLOYEE sign a written agreement in a form approved by the Regulatory authority such as in Annex 7 form 1-B. The signed forms shall be retained at the facility and made available at the time of inspection upon request. A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report the information in a manner that allows the PERSON IN CHARGE to reduce the RISK of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE:**

**Submitter Information:**

Name: Janet Lane, R.S., M.P.H.  
Organization: Harris County Public Health & Environmental Services  
Address: 2223 West Loop South  
City/State/Zip: Houston, TX 77027  
Telephone: (713) 439-6267  
E-mail: jlane@hcphes.org

Fax: (713) 439-6267

*It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.*