

# COVID-19: Are you and your coworkers safe at work?

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If you have concerns about your health and safety at work, don't wait to act. Taking steps right now to protect yourself, coworkers, or customers in your workplace is an important contribution to protecting public health and the stability of our economy.

- If you are covered by a union contract, consult with local leaders for advice. Local unions can contact employers regarding COVID-19 and invoke the right to bargain over changes that affect workers' safety and health, pay, hours, benefits or working conditions.
- If you are not covered by a union, you are still covered by laws requiring employers to provide safe and healthy workplaces, and you have the legally protected right to talk with your coworkers and collectively approach management to propose improvements.

Workers can review federal agency guidance and encourage employers to follow it closely:

- CDC Guidance for Employers: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- OSHA guidance on safety precautions employers should take in light of COVID-19: <https://www.osha.gov/Publications/OSHA3990.pdf>
- OSHA standards relevant to COVID-19: <https://www.osha.gov/SLTC/covid-19/standards.html#workers>
- CDC Guidance for Sanitizing Facilities: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

Depending on your workplace, you may need to draw on several CDC or OSHA recommendations to advocate for steps that may include changes in work arrangements, physical distancing, sanitation, personal protective equipment, or other measures.

Ideally, workers taking health and safety proposals to management should always do so as part of a group rather than individually (this ensures that your advocacy is legally protected as "concerted activity" under labor law).

If after advocating for changes you believe you are still being asked to work in unsafe conditions and are considering whether you must refuse to do so, consult this guidance from OSHA about steps to take: <https://www.osha.gov/right-to-refuse.html>

If you contract COVID-19 at work, immediately report it to your employer. Contracting the virus at work is a recordable workplace illness under [OSHA standards](#), and workers who contract the virus at work and fall ill may become eligible for workers' compensation benefits.

*Source: Document has been modified for MI workers by the WSU Labor Studies Center. This fact sheet is an addendum to the University of Iowa Labor Center's Iowa Worker Rights Manual addressing new challenges facing Iowa workers during the COVID-19 pandemic. This information is provided as an educational service and does not constitute legal advice. Note that this page was expanded/updated April 20, 2020, and additional changes to laws or guidelines may have since occurred.*

# COVID-19: Taking Steps to Minimize Workplace Exposure

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No matter where you work, there are steps your workplace should take to minimize risk of exposure to COVID-19. OSHA's General Duty Clause requires employers to provide workplaces free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees (for more on OSHA rights, see next page).

## **Eliminating Risk: Shutting Down or Moving Work Home**

Research on COVID-19 is ongoing. At present we know it is highly contagious and that many who are infected have no fever and no symptoms. Until we know more or have testing and vaccines widely available, the best ways to eliminate workplace exposure are:

- **Working from home:** All employees who can continue work from home should do so.
- **Suspending all nonessential operations:** Pursue all options for continuation of pay and health benefits, paid leave, or unemployment benefits to sustain workers during a shutdown or layoff.

## **Removing High-Risk, Ill, or Already Exposed Workers from the Workplace**

If your workplace is essential during this pandemic, those who remain in the workplace must be protected (see below). First steps to safeguard workplaces still in operation include:

- Assessing **who should *not* work due to “high risk”** status (e.g., workers with compromised immune systems or advanced age) and providing access to work at home, paid leave, or unemployment benefits. Some workers with underlying conditions may be entitled to request leave accommodations under the [Americans with Disabilities Act](#).
- Requiring **sick or COVID-19 exposed workers to stay home** with pay.

## **Protecting Workers Who Remain on the Job: Develop a COVID-19 Safety Plan**

Where workers must continue to be on the job, unions or groups of workers should meet immediately with employers to **adopt a COVID-19 Preparedness, Response, and Control plan** tailored to that workplace. Such a plan should identify all areas and activities where exposures may take place and develop controls to eliminate, reduce, and prevent exposure. Because of how the virus spreads, involving frontline workers in developing plans is critical for collecting thorough, accurate information about work processes in each area. Develop a plan that fits your workplace by applying a hierarchy of controls (see next page).

Effective plans must include **protocols for informing workers of positive COVID-19 cases** and immediately responding. In some cases, even essential work must slow down or shut down temporarily in order to gain time needed to develop a plan and prepare for safe work, especially if exposure has already occurred. Consult CDC **Guidance for Sanitizing Facilities** if you face this situation: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

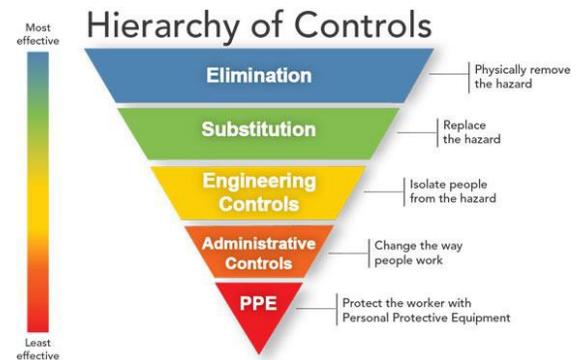
Finally, **clear communication and training**, in languages understood by workers, is essential to implementing a plan and ensuring all workers understand and can follow it.

## Looking for Best Ways to Control Hazards

There are several ways to reduce exposure to COVID-19, some more effective than others. The “hierarchy of controls” recommended by the CDC/NIOSH reminds us that steps to prepare workplaces should always **start with the most effective methods**, not just the most convenient. If the top level of controls does not eliminate risks, steps should move to the next level, and so on.

Examples of controls relevant to risk of COVID-19 exposure, in priority order:

1. **Eliminate Hazards.** Removing workers from the workplace is the best way to limit risk. For operations that must continue without all employees working at home, other controls are necessary.
2. **Engineering controls** prevent the virus from coming into contact with workers, and may include installing HEPA filters and improving ventilation systems, moving work stations to maintain at least six-foot distance between workers, installing physical barriers between workers and/or between workers and the public, installing automatic doors or leaving doors/gates open to eliminate touching of surfaces, etc. If engineering controls do not eliminate risks, then administrative controls must be added.
3. **Administrative Controls** are policies and procedures to limit exposure, and may include closing to the public, providing only drive-through service, requiring frequent cleaning and disinfection of all work areas or surfaces that are touched, requiring at least six-foot distance between all workers at all times, reducing numbers of workers in each space by reducing production or staggering shifts, breaks, or meal times, requiring sick workers to stay home with full pay, etc. These controls along with engineering controls may decrease risk, but Personal Protective Equipment will also likely be necessary.
4. **Personal Protective Equipment (PPE)** puts equipment directly on workers’ bodies. It is generally the least effective way to limit hazards, but to limit COVID-19 exposure PPE is absolutely essential in any job where contact with others is possible. Depending on the job, necessary PPE to be purchased and provided by the employer may include:
  - Powered respirators or disposable N95-N100 respirators plus face shields (especially critical for health care workers and others in high-risk settings)
  - Face masks; surgical or cloth masks do not filter out the virus, but are thought to reduce chances of transmission by the person wearing the mask.
  - Ample supplies of disposable gloves, soap, water and/or sanitizer and training on hand-washing and proper glove removal to prevent contamination.



# COVID-19: Knowing Your Rights to Safe & Healthy Workplaces

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Workers and unions have clear legal rights that apply to efforts to improve health and safety. When advocating for health and safety improvements, it can be helpful to know these rights and if necessary, to submit complaints to government agencies, while keeping in mind that workplace dialogue and collective action can often attain urgently needed protections much more quickly than lengthy complaint processes.

## **All Iowa workers are covered by a health and safety law**

All Iowa workers who work for an employer with one or more employee are covered by the Occupational Safety and Health Act (OSHA), enforced by Iowa OSHA. Some federal, railroad, airline, and nuclear plant employees or truck drivers with CDLs, are covered by industry-specific laws. These laws apply to all workers regardless of immigration status.

## **Employer Duties under OSHA**

Employers are required to provide a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and to comply with all OSHA standards.

## **Right to Act Collectively to Improve Health and Safety (“Concerted Activity” Rights)**

Most Iowa workers have basic labor rights to join together with coworkers and/or the public to address workplace problems. This **right to collective or “concerted” activity** applies any time two or more workers (or one acting on behalf of others) take action to improve working conditions or resolve a workplace issue with management. If you already have a union at work, the union can request bargaining over terms and conditions of work, including health and safety protections. If you don’t already have a union, you have the **right to organize**, form, join, or assist a labor organization.

## **Right to Complain**

Workers have the **right to complain to the employer** about conditions they in good faith believe are unsafe, and employers cannot discipline or intimidate workers for complaining. If you have a union, your union contract likely includes a process for filing a grievance. If an employer does not fix the problem, workers have a **right to complain to OSHA** and can do so anonymously if they wish. Unions or community organizations can also file complaints on workers’ behalf. You can reach MIOSHA at 800-866-4674 or [https://www.michigan.gov/leo/0,5863,7-336-78421\\_11407\\_15349---,00.html](https://www.michigan.gov/leo/0,5863,7-336-78421_11407_15349---,00.html)

## **Recordkeeping & Rights to Information**

Workers have rights to basic information that may be relevant to preventing COVID-19 exposure, including a **right to their own medical records or test results** held by the employer (see OSHA standard 1910.1020). Workers also have a **right to a copy of the employer’s “OSHA 300 log”** where employers must record workplace injuries or illnesses. Workers should **report any known instances of COVID-19 exposure** at work and can ask to view the employer’s OSHA 300 log to make sure illnesses caused by workplace exposure are being recorded.

If you already have a union in your workplace, your **union has rights to request information from management** necessary to protecting coworkers and enforcing your contract. In relation to COVID-19, such information requests might include copies of safety policies, COVID-19 test protocols or results, and immediate updates on any known exposures, positive cases, illnesses, or deaths of coworkers.

It is always a good idea to **keep your own records** about a health and safety problem. Because centralized data collection systems do not yet exist for COVID-19, many groups of workers are developing their own systems to track key information about infections in their workplaces.

### **Right to Refuse Unsafe Work**

Workers have the right to refuse an assigned task if they believe in good faith that performing the task could kill or seriously injure them. Workers should make it clear they are willing to do any task that is safe and are **not refusing to do all work, only the dangerous work**, and should give the employer the opportunity to make the task safe. Workers should stay at the worksite unless ordered to leave by the employer. **Rights to collective action** under labor law (see above) may provide additional and often stronger protection to workers advocating for improvements, so if possible it is always best to involve coworkers rather than refusing unsafe work on your own.

### **Protection against Retaliation**

OSHA also prohibits employers from retaliating against workers; in particular, the US Department of Labor recently stated that “**it is illegal to retaliate against workers** because they report unsafe and unhealthful working conditions during the coronavirus pandemic” and “workers have the right to file a **whistleblower complaint** online with OSHA or call 1-800-321-OSHA if they believe their employer has retaliated against them for exercising their rights under whistleblower protection laws” (4/20/20 press release, US Dept. of Labor).

### **Where can I go if I believe my rights have been violated, or for more information?**

- **Health & safety rights of all employees:** MIOSHA (Department of Labor and Economic Opportunity), 517-284-7777 or email [MIOSHAINFO@michigan.gov](mailto:MIOSHAINFO@michigan.gov)
- **Michigan Public Employee Relations Commission:** (MERC), Detroit office 313-456-3510, Lansing office 517-335-9142.
- **National Labor Relations Board (NLRB):** Regional Office 07-Detroit, MI, (313) 226-3200 [www.nlr.gov](http://www.nlr.gov)

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