

Workers' Health and Safety During the COVID-19 Crisis



I am worried about health and safety at my workplace during the COVID-19 crisis. What are my rights?

- Your employer has a duty to provide you with a safe and healthy workplace.
- You have the right to ask for information about your health and safety at work.

I am an essential worker, and I have health and safety concerns at work. What can I do?

- Under the Occupational Safety and Health Act, you have the right to refuse to do unsafe work if it would create a real and obvious danger to you and your co-workers.
- First, talk to your co-workers! You are most protected when you act as a group. The National Labor Relations Act protects your right to organize with your co-workers and demand better work conditions, even if you are not in a union.
- Ask as a group for your employer to make changes. You can write a letter with your demands or create a petition. Your demands could include, for example, improved safety on the job and better sick leave policies.
- If your employer won't make changes to keep you safe at work, you and your co-workers can tell your employer that you will not do any more work until dangerous conditions are fixed.

The federal Occupational Safety and Health Administration (OSHA) has issued guidance for employers about COVID-19.

- Employers should evaluate risks of COVID-19 exposure on the job and take steps to address those risks.
- Some of the recommended steps include:
 - Providing personal protective equipment
 - Providing supplies for cleaning/hygiene
 - Minimizing face-to-face contact
 - Setting up physical barriers between workers and customers
 - Creating more flexible leave policies.

I'm an essential worker. But I have an underlying health condition that puts me at higher risk if I get Covid-19. What can I do?

- Ask to work remotely, if possible.
- Use any available federal paid sick time and/or any other available sick leave (see Sick Leave flyer).
- Request unpaid leave under the Family and Medical Leave Act (FMLA).
- Request leave as an accommodation under the Americans with Disabilities Act.
- If you quit or get fired because your employer won't accommodate you, you should be eligible for unemployment compensation.

I'm a non-essential worker, but my employer is still requiring me to work. What can I do?

- Pennsylvania has currently ordered all non-essential businesses to close through April 30, 2020. You can find a list of what is essential and what is not here.
- If you believe your workplace is a non-essential business that is violating the Governor's order by staying open, you can call the police district office near your job. They may shut it down. If that doesn't work, contact Community Legal Services.

What if I get into trouble at work or get fired for speaking up?

- The law says employers cannot retaliate against you by firing you or disciplining you for joining together with your co-workers to demand better working terms and/or conditions.
- If you quit or get fired after raising safety concerns with your employer, you should be eligible for unemployment compensation.

For more information about other workplace rights, see CLS's FAQ: COVID-19 and Workers' Rights or visit www.clsphila.org. Need Assistance? Call CLS at 215-981-3700