

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

If you have concerns about your health and safety at work, don't wait to act. Taking steps 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 OSHA and CDC guidance and encourage employers to follow it closely. By law, employers must also comply with all existing OSHA standards:

- **OSHA guidance:** Protecting Workers: Mitigating and Preventing the Spread of Covid-19 in the Workplace <https://www.osha.gov/coronavirus/safework>
- **CDC guidance** for workplaces and businesses: <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>
- **OSHA standards** relevant to COVID-19: <https://www.osha.gov/coronavirus/standards>

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, ventilation, personal protective equipment, or other measures.

Whether you already have a union or not, 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](#).

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 February 11, 2021, and additional changes to laws or guidelines may have since occurred.*

COVID-19: Taking Steps to Minimize Workplace Exposure

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 last page).

Per current OSHA guidance, all [employers should implement COVID-19 Prevention Programs](#) in the workplace. The most effective programs engage workers and their union or other representatives in the program's development, and include the key elements listed below.

Consult OSHA guidance for more details on each of the steps listed below:

<https://www.osha.gov/coronavirus/safework>

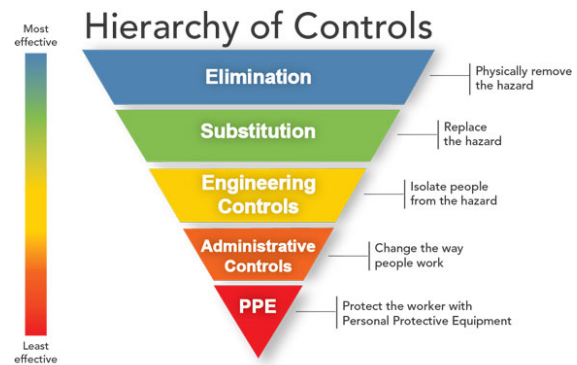
- 1) ***Assigning a workplace coordinator.***
- 2) ***Identifying where and how workers might be exposed to COVID-19 at work.***
- 3) ***Identifying a combination of measures that will limit the spread of COVID-19 in the workplace, in line with the principles of the [hierarchy of controls](#). Key examples ([discussed in additional detail below](#)) include:***
 - a. [eliminating the hazard by separating and sending home infected or potentially infected people from the workplace](#);
 - b. [implementing physical distancing in all communal work areas](#) [includes remote work and telework];
 - c. [installing barriers where physical distancing cannot be maintained](#);
 - d. [suppressing the spread of the hazard using face coverings](#);
 - e. [improving ventilation](#);
 - f. [using applicable PPE to protect workers from exposure](#);
 - g. [providing the supplies necessary for good hygiene practices](#); and
 - h. [performing routine cleaning and disinfection](#).
- 4) ***Considering protections for workers at [higher risk for severe illness](#) through supportive policies and practices.***
- 5) ***Establishing a system for communicating effectively with workers and in a language they understand.***
- 6) ***Educating and training workers on COVID-19 policies and procedures using accessible formats and in a [language](#) they understand.***
- 7) ***Instructing workers who are infected or potentially infected to stay home and isolate or quarantine.***
- 8) ***Minimizing the negative impact of quarantine and isolation on workers.***
- 9) ***Isolating workers who show symptoms at work.***
- 10) ***Performing enhanced cleaning and disinfection after people with suspected or confirmed COVID-19 have been in the facility.***
- 11) ***Providing guidance on screening and testing.***
- 12) ***Recording and reporting COVID-19 infections and deaths.***

- 13) **Implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about COVID-19-related hazards.**
- 14) **Making a [COVID-19 vaccine](#) or vaccination series available at no cost to all eligible employees.**
- 15) **Not distinguishing between workers who are vaccinated and those who are not.**
- 16) **Following all [other applicable OSHA Standards](#).**

In addition to these general guidelines, [more specific guidance is available](#) for certain industries.

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 protect workers should always **start with the most effective methods**, not just the most convenient. If the top level of controls does not eliminate risks, we 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, moving work to home whenever possible, and ensuring sick or exposed workers can stay home with pay are the best ways to limit risk.
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 maximum possible distance between workers, installing physical barriers where distancing is impossible, 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, and may include closing to the public, providing only drive-through service, requiring frequent cleaning 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.
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. [Click here](#) for more on varieties, effectiveness, and proper use of masks, respirators, and face shields.

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

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 at least one 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

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 that 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 Iowa OSHA at 515-725-5621 or osha@iwd.iowa.gov

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 clear that 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. **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:** Iowa OSHA (Iowa Workforce Development), 515-725-5621 or osha@iwd.iowa.gov
- **Concerted activity rights of public employees:** Iowa Public Employment Relations Board (PERB), 515-281-4144, iaperb@iowa.gov
- **Concerted activity rights of private sector employees:** National Labor Relations Board (NLRB), (612) 348-1757 www.nlrb.gov

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