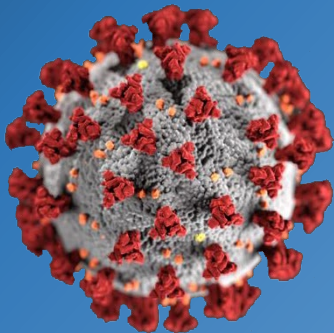


Essential Industries Workforce Response to the Initial Wave of COVID-19



Jodi Sugerman-Brozan
Executive Director, MassCOSH

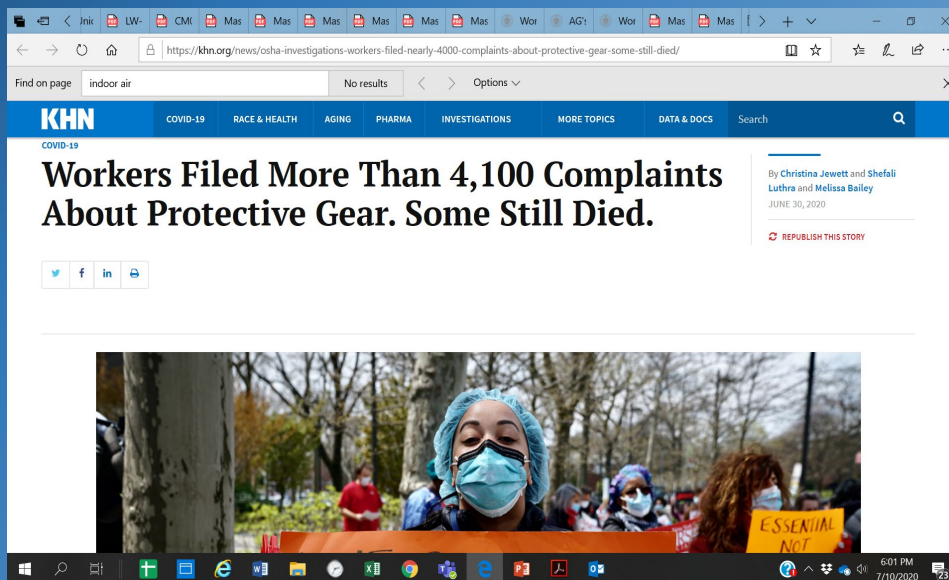


In the face of the worst worker health and safety crisis in decades, the Occupational Health and Safety Administration (OSHA) has been missing in action. The impact is devastating

Since March, more than 4,100 COVID-related complaints regarding health care facilities have poured into the nation's network of federal and state OSHA offices, which are tasked with protecting workers from harm on the job.

A Kaiser Health News investigation found that **at least 35 health care workers died after OSHA received safety complaints about their workplaces.** Yet by June 21, the agency had quietly closed almost all of those complaints, and none of them led to a citation or a fine.

A third of the health care-related COVID-19 complaints, about 1,300, remain open and about 275 fatality investigations are ongoing.



In Massachusetts, complaints about health care facilities were far and away the largest category of COVID-related complaints to OSHA, accounting for 150, or more than 30% of the 486 complaints.

- ➔ At a major Boston hospital, disinfectant wipes were kept "locked up".
- ➔ At a nursing home in Fall River, employees are "re-using potentially contaminated gowns" and "provided only one disposable N95 mask... expected to last for three weeks.
- ➔ Most, if not all, of these complaints were closed by OSHA without formal investigations or fines as part of the agency's COVID-19 response.

MassCOSH's Report Card on Baker-Polito Reopening Plan

COURSE	GRADE	COMMENTS
Worker Health & Safety Standards	D	Fails to hold employers accountable for health and safety standards. Plan doesn't require critical PPE training.
Enforcement of Health & Safety	F	Lacks state-enforcement where OSHA has failed and weakens the role that public health departments in Cities and Towns have to protect workers.
Protection of Workers Rights	F	Omits protections from retaliation, loss of employment due to falling sick, ineligibility of Unemployment Insurance, and lacks occupational presumption.
Testing & Tracing	D	Inadequate data collection on occupation, industry, employer name, job site location, race, and ethnicity. Doesn't require investigations of outbreaks or clusters of COVID-19.

Incomplete: An amended plan is needed immediately.



On May 11 MassCOSH released extensive, science-based recommendations to Baker's Reopening Advisory Board:

- ✓ Enforceable standards
- ✓ Screening, testing, contact tracing, surveillance
- ✓ Protect workers' voice and job protections

Unfortunately, these recommendations were ignored. On May 18, MassCOSH released a report card with failing grades.

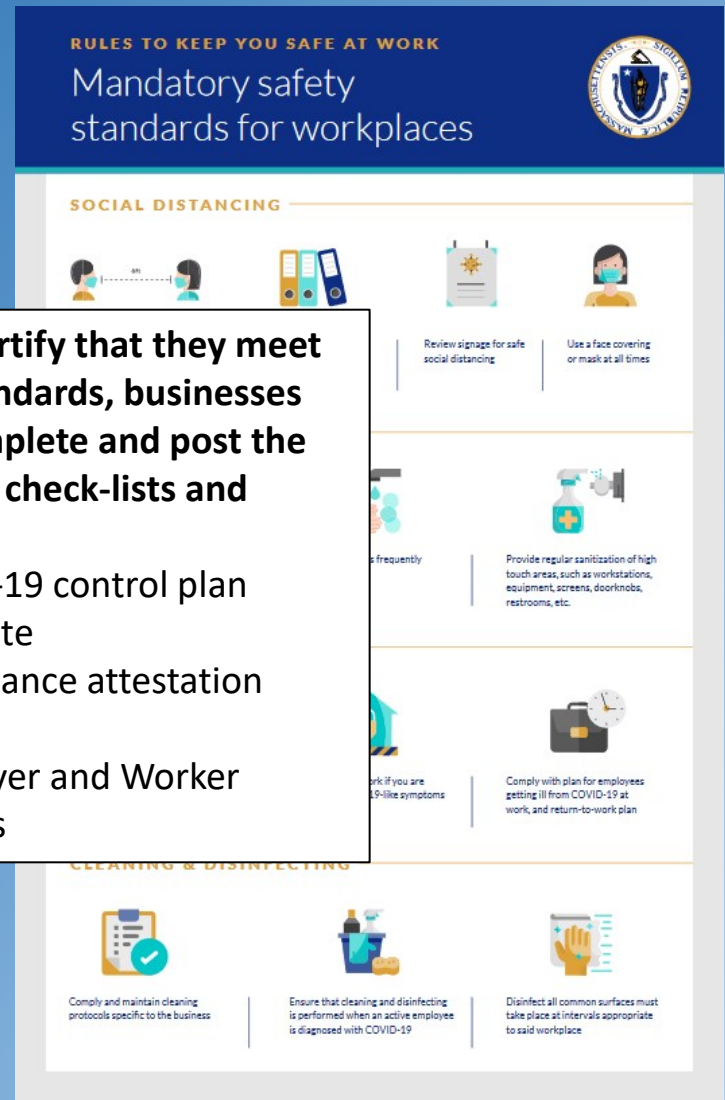
All businesses allowed to open in each phase must **self-certify** that they meet basic Mandatory Workplace Safety Standards and/or industry specific standards in order to reopen. All essential businesses had to self-certify that they meet these standards by May 25 to continue to operate.

These are:

- **Social Distancing**
- **Hygiene Protocols**
- **Staffing and Operations**
- **Cleaning and Disinfecting**

To self-certify that they meet these standards, businesses must complete and post the following check-lists and posters:

- COVID-19 control plan template
- Compliance attestation poster
- Employer and Worker posters



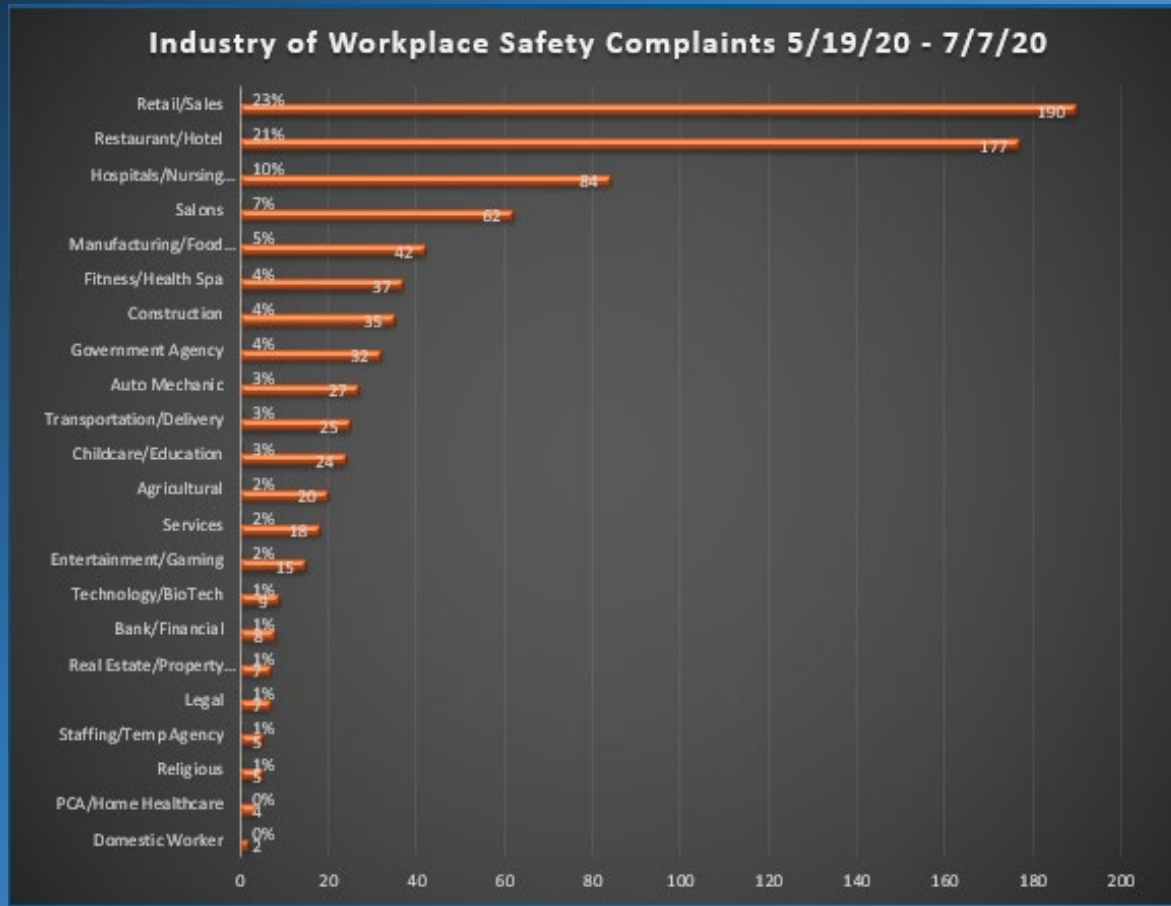
If your employer is not meeting the Mandatory Workplace Standards or (when applicable) the industry specific standards, you have three options:

1. Call your Local Board of Health to issue a complaint. In Boston, call 311.
2. Call the Massachusetts Department of Labor Standards to issue a complaint: (508) 616-0461 or (617) 626-5987
3. Call or issue a complaint through the hotline and form through the Massachusetts Attorney General Fair Labor Division's Office: 617-727-3465 or bit.ly/workplacesafetyma

Escalating Enforcement

Verbal consultation & redirection	Up to 1 time before escalation to next level
Written redirection	Up to 1 time before escalation to next level
Fines up to \$300	Up to 3 times before escalation to next level
Cease & Desist letter (after injunction)	Up to 1 time

Local Boards of Health tasked with enforcement, with no additional resources, and no say in creating the standards. Prohibited from raising the bar on standards.



The Massachusetts Attorney General's Office began collecting workplace health and safety complaints on-line on May 19 when the state entered Phase 1 of reopening. Since that time they have received 911, or almost 20 per day.

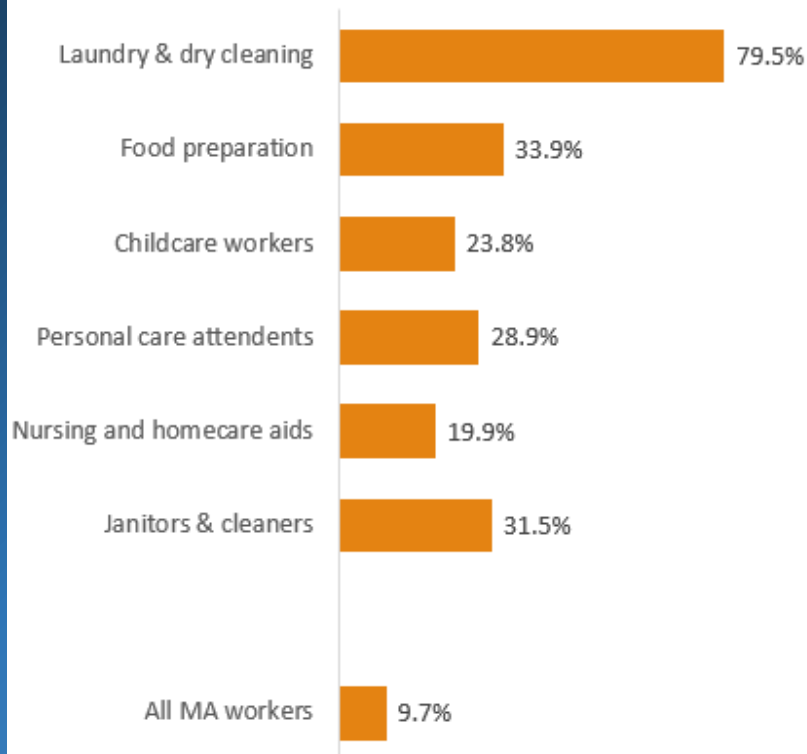
84 (almost 2 per day) of these were from workers in Hospitals, Nursing Homes and Healthcare facilities.

Unequal Impact in MA

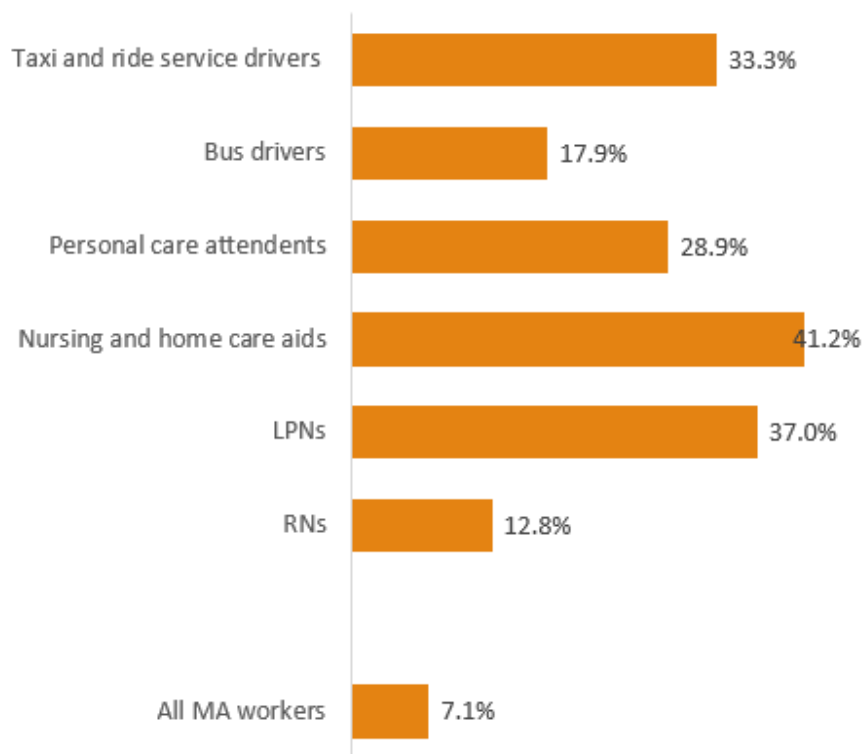
- Hispanic residents make up 12 percent of the population, but their rate of positive cases is nearly 30 percent.
- Black residents represent about 7 percent of the population, but their rate of positive COVID-19 cases is double that, at 14.4 percent.
- Overall, the state data show, the rate of positive cases among Black and Brown residents is more than three times that of White residents.

Unequal Impact: Work Plays a Role

Hispanic Workers



Black Workers



Workers are not expendable commodities. They must be protected from exposure to the virus. Their lives literally depend on it, and so do ours. Before continuing to Reopen Massachusetts, we need:

- ✓ Stronger, enforceable health and safety protections for workers that include workplace-specific COVID-19 safety plans designed in collaboration with workers. In particular, protections to address aerosol transmission of micro-droplets of the virus are needed.
- ✓ Resources and technical support for the Local Boards of Health (LBOH) that have been given the job to enforce the states Mandatory Safety Standards for Workplaces. Further, the State must revise any guidance that undermines LBOH's authority to apply higher safety standards and/or close businesses that they believe are endangering workers and the public.
- ✓ Protection of workers' voices and workers' rights to information, to report and refuse dangerous work without retaliation, to job retention and to pay or benefits if they are at high risk and cannot work. For workers who do become sick as a result of workplace exposure, workers' Compensation benefits should be mandated, using a conclusive presumption.
- ✓ Workplace exposure is a major way our residents are becoming ill and spreading the virus to their families and communities. Before we move to Phase 2, we must begin collecting and analyzing data on the occupation and industry of COVID-19 cases and develop procedures to investigate workplace outbreaks and close businesses due to COVID-19 infections and outbreaks when needed.



LEGISLATIVE PRIORITIES

Occupational Presumption for Essential Workers

During the State of Emergency, many thousands of workers are still reporting to work to care for the sick, help ensure stores are stocked with food/necessities, and more. Workers who get sick from the highly contagious SARS-CoV-2 from exposure at work must receive the workers' compensation benefits they are due. This will ensure that essential workers don't have to use their own paid time off or sick time to quarantine, treat or recover from COVID-19. It will provide support for workers who don't have access to expanded paid sick time, for workers who have no health insurance, and workers' compensation to pay for the costs of treatment for COVID-19. In the tragic event a worker dies from COVID-19 they contracted at work, workers' compensation provides death benefits to spouses and children.

Unfortunately, employers are trying to undermine these benefits by claiming their employees were exposed to SARS-CoV-2 off the job.

[H4739, An Act creating a presumption of relatedness for essential workers suffering from COVID-19](#) creates “occupational presumption” to ensure that any essential worker reporting to work outside their home who contracts SARS-CoV-2 is presumed to have gotten it from exposure to SARS-CoV-2 at work.

Data and Surveillance

Every day we hear stories of workers who have become sick and even died from COVID-19 as a result of exposure through their jobs. However, there is currently no data being collected on the occupation and industry of those that have tested positive for COVID-19. Right now, your state senator is debating a bill about this very issue.

HB4672-- An Act Addressing COVID-19 Data Collection and Disparities in Treatment passed and was signed by the Governor, but did not include industry, employer or whether or not someone worked outside the home within the last 2 weeks to the demographic data to be collected by the Massachusetts Department of Public Health.

Why is data on occupation and industry so important?

- ✓ To identify and protect workers most affected by the virus.
- ✓ To make good decisions about workplace protections needed as we reopen the State.
- ✓ To show the occupations and industries most hard hit by the virus and help ensure that these frontline workers – or their families, in the event they die from the illness - get the workers' compensation benefits they deserve.
- ✓ To identify workplace outbreaks in order to intervene as soon as possible.

Additional Compensation for Dangerous Critical Work

This pandemic has laid bare how intertwined public health and the economy are – and how absolutely vital working people are to keeping every family safe, secure, healthy and fed. There are currently tens of thousands of essential workers in Massachusetts reporting to the job outside of their homes, putting their health and the health of their families on the line each day. These essential workers we all depend on are on the front lines of exposure to this virus, in too many cases without the adequate personal protective equipment they so desperately need, and many are still struggling to pay their bills. These brave essential workers deserve hazard pay.

Please ask your State Representative and State Senator to support H.4631, [“An Act Relative State Employees Performing Core Functions”](#), filed by Rep. Tackey Chan (member of SAG-AFTRA). This bill would provide time and a half pay or one half comp day for every day that a Massachusetts public employee was required to report to a work location outside of their home throughout the duration of the state emergency.

As much paid sick time as needed to care for individuals and/or a family member should they contract COVID-19.

In 2014, Raise Up Massachusetts led the campaign to create Massachusetts' Earned Sick Time Law, but the 40 hours of sick time it provides workers each year doesn't meet the scale of this major public health crisis. H4700/S2701-An Act relative to emergency paid sick time legislation filed by Representative Donato ([H.4700](#)) and Senator Lewis ([S.2701](#)), and co-sponsored by more than 100 members of the House and Senate, would provide **ten additional work-days (80 hours) of job-protected paid sick time** for immediate use during the COVID-19 outbreak. This Emergency Paid Sick Time would be available to employees not covered by the federal Families First Coronavirus Response Act (FFCRA)'s paid sick time provisions:

- a) **Employees working for a private employer with more than 500 employees;**
- b) **Employees working at health care or residential facilities** that have the option to exempt themselves from the FFCRA.

Additional protections for Immigrant and Low Wage Workers

[An Act to provide equal stimulus checks to immigrant taxpayers](#)

[H.4726/S.2659](#) provides a state-funded benefit to families in Massachusetts who are ITIN taxpayers. This legislation directs the Department of Revenue to provide a cash rebate to Massachusetts residents or families who file state income tax returns using ITINs that is equivalent to the “recovery rebate” in the recently-enacted federal CARES act.

The Safe Communities Act, [S.1401](#) (Sen. Jamie Eldridge) and [H.3573](#) (Reps. Ruth Balser and Liz Miranda), aims to restore community trust in public institutions by avoiding entanglement in immigration matters, and to protect due process for all.

Driving Families Forward ([Work and Family Mobility Act, H.3012/S.2061](#)) will enable all qualified state residents to apply for a standard Massachusetts driver’s license, regardless of immigrant status, while keeping our Commonwealth in full compliance with REAL ID requirements.

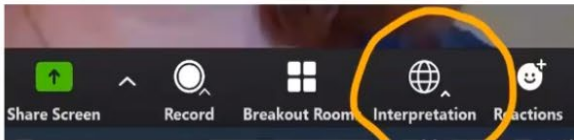
Legislation for better protections for Farmworkers, Domestic Workers, Gig Economy, etc.

MassCOSH resources for workers:

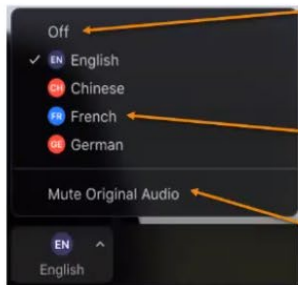
- Multi-lingual Tool Kit
- Free training and technical assistance (in English and Spanish) for workers and small businesses
- Town Halls and webinars
- Access to our network of occupational health and safety experts
- Immigrant Worker Center hotline: 617-505-8939 or 617-505-8940



Instructions for Interpretation/ Instrucciones para la in



You can only utilize interpretation function on Zoom app on your computer or mobile app
Sólo se puede utilizar la función de interpretación en de Zoom con su computadora o aplicación móvil



If you are here you will not hear interpretation
Si esto está marcado no va a poder escuchar la interpretación

Choose language
Elija el idioma

80% Interpreter / 20% Original Audio
Mute to only listen to interpreter
Silencia si solo quieres escuchar la interpretación

Special thanks to the Boston Interpreter Collective for providing an important language justice service!



Reopening Worker Safety Town Hall

MassCOSH was live.
about 2 weeks ago · 🌐

✓ Following



WE ARE LIVE with our worker safety town hall!

ESTAMOS EN VIVO con el foro publico sobre la salud y seguridad para trabajadores!

2,231
People Reached

700
Engagements

Boost Post

16

29 Shares 1K View

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James Paine 0:00 Should there be temperature checks and/or regular testing??

Like · Reply · Message · 1w



Chris H... 4:50:00 Great talk!!

Write a comment...



REOPENING MASSACHUSETTS AND YOUTH SUMMER JOBS PROGRAMS

A FREE MASSCOSH WEBINAR

Register at <https://teenslead.eventbrite.com>

Monday,
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Register

Whether you are planning an all-remote, in-person or hybrid mode, this webinar will help you prepare for a safe and productive summer.

About this Event

Date And Time

Mon, June 15, 2020
1:00 PM – 1:40 PM EDT
[Add to Calendar](#)



COVID-19 SAFETY TOOLKIT FOR WORKERS

Health and Safety Protections
and How to Make Them Happen

This guide was compiled by the MassCOSH Health Tech Committee, a committee of occupational health and safety experts, and is updated regularly to reflect the most recent information available in the field.

Last updated on: 6/3/20

Visit masscosh.org

REPORT UNSAFE WORKING CONDITIONS REGARDING
COVID-19 TO THE ATTORNEY GENERAL'S OFFICE USING
[THIS COMPLAINT FORM](#) OR CALL 617-727-3465



KIT DE HERRAMIENTAS PARA TRABAJADORES SOBRE COVID-19

Protecciones de salud y seguridad y cómo hacerlas realidad

Esta guía fue compilada por el Comité técnico de salud de MassCOSH, un comité de expertos en salud y seguridad en el trabajo, y se actualiza periódicamente para reflejar la información más reciente disponible en el campo.

Última actualización: 5/28/20

Visite masscosh.org

USE [ESTE FORMULARIO DE QUEJAS](#) O LLAME
617-727-3465 PARA PRESENTAR UNA QUEJA DE
CONDICIONES MALAS DE TRABAJO ANTE LA OFICINA
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