

Your Right to Demand Protections from COVID-19

WHAT ARE YOUR RIGHTS?

All workers have the right to a hazard-free workplace.

Under federal law, you are entitled to:

- A workplace free of known health and safety hazards that are likely to cause death or serious physical harm.¹
- Protective equipment — such as personal protective equipment for eyes, face, head and extremities; protective clothing; respiratory devices; and protective shields and barriers — when necessary to protect against hazards.²
- Training on how to use personal protective equipment correctly.
- Go to the bathroom whenever needed, including to wash hands.³
- Refuse to perform dangerous work under some circumstances.

During COVID-19, your employer should make efforts to protect you from exposure to the virus, including by ensuring access to:⁴

- Physical barriers to control the spread of the virus.
- Social distancing to avoid close contact with people who are sick.
- Personal protective equipment.
- Hygiene (including frequent handwashing with soap and water or alcohol-based sanitizer).
- Cleaning supplies.

Retaliation for raising health and safety concerns in the workplace and/or filing a complaint with OSHA is illegal.

- If you believe working conditions are unsafe or unhealthful, you may file a confidential complaint with OSHA by calling 1-800-321-6742 and asking for an inspection. You can also file a complaint by mail or email. If possible, bring the conditions to your employer's attention.
- It is illegal for an employer to fire, demote, transfer or otherwise retaliate against a worker for filing a complaint with OSHA.⁵ For example, an employer can't cut your hours or give you the worst shifts because you filed a complaint.

Federal law protects most workers who engage in protected concerted activities to advocate for safe working conditions.⁶ This means most workers have the right to:

- Speak out in a group of two or more workers about working conditions without fear of discrimination, retaliation or interrogation by the employer.
- Demand in a group of two or more workers paid time off and other leave benefits.
- Refuse to work in a group of two or more workers in protest of critically hazardous conditions.
- A single worker is also protected if she is bringing complaints to the employer on behalf of a group of workers.
- If you are a union member you should contact your local representative because your union contract might provide for additional rights and obligations.

A worker who becomes ill with COVID-19 from her job may be able to file a workers' compensation claim.

- In Louisiana, Georgia, Florida, Alabama and South Carolina, a worker has the right to workers' compensation for becoming ill at the job. A worker should report the illness to her employer as soon as possible. Some states require notice to the employer within 30 days. In addition, a worker generally has one year (two years in Florida) to file a claim with the workers' compensation board.
- Employers may not retaliate against an employee for reporting an injury or filing a workers' compensation claim.

1 29 U.S.C. § 654(a)(1).

2 29 C.F.R. § 1910.132(a).

3 OSHA Sanitation Standard; 29 CFR 1910.141.

4 OSHA Alert, Prevent Worker Exposure to Coronavirus (COVID-19), <https://www.osha.gov/Publications/OSHA3989.pdf>.

5 29 U.S.C. § 660(c)

6 The following workers are not covered by the National Labor Relations Act: federal, state or local government officials, supervisors, independent