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**As Virus Cases Surge Around the State,
California Workers Gain Sweeping New Workplace Protections from COVID-19**

Workers in low-income jobs, immigrants and workers of color have borne the brunt of workplace deaths

Landmark Ruling By California Standards Board Provides a Model for Federal Action

Experts & Workers Available for Interviews in English and Spanish

Sacramento, CA -- In response to calls from workers and advocates, the Cal/OSHA Standards Board voted today 6-0 to adopt new emergency rules designed to strengthen protections for all California workers from COVID-19 in the workplace. The action means workers have specific, mandatory requirements for employers to follow to reduce transmission of the virus in their places of work, and Cal/OSHA now has stronger tools to ensure that employers follow basic protocols, such as maintaining physical distance between workers.

“The emergency temporary standard (ETS) for COVID-19 is based on sound public health principles and the current knowledge on COVID transmission and prevention,” said **Worksafe Executive Director Stephen Knight**. The rule is framed around existing requirements on employers, such as the Injury and Illness Prevention Program. It is consistent with the more detailed guidance documents and health orders that have been issued by Cal/OSHA and local and state Departments of Public Health, and with recent state legislation, giving these guidance documents more teeth with a more enforceable standard. Finally, the ETS combines a “performance” standard with specific direction on controls necessary to COVID prevention (e.g. physical distance, face covering, case identification and response).

While California is not the first state to enact such rules, the state is now leading the way on important issues like disclosure and required employer response (including pay protection for workers sent to quarantine). The rules approved today also break ground in addressing specific issues of employer-provided housing and transportation that affect primarily essential workers in agriculture. As such, it is a model for federal action.

Other states that have adopted emergency workplace rules include Oregon, New Jersey, Michigan, and Virginia ([source](#)).

“We are relieved and delighted at the outcome today,” declared **Maggie Robbins, Occupational and Environmental Health Specialist with Worksafe**. “The people of California need stronger protections from COVID and this rule strengthens protections at work. The challenge now is outreach, education and dialogue to ensure the promise of the standard is realized in practice.”

David Campbell, Secretary-Treasurer with United Steelworkers Local 675, agreed: “We are thrilled with having a long overdue COVID-19 Prevention Emergency Temporary Standard (ETS). The ETS is another important step to assure worker safety and health with strong actions to protect workers from COVID-19 exposure, illness, and death on the job. We look forward to working with the government and employers to implement these measures for safer workplaces.”

“UFCW members are the definition of essential - keeping food safe, grocery stores open, and dispensing medicine over the last eight months in unsafe workplaces because Californians must stay healthy and fed,” said **Joe Duffie, president, UFCW Local 1167**. “Enforcement is key to worker safety, and we believe these standards will help keep both workers and customers healthy to prevent the virus from spreading more during the projected uptick in cases over the winter months. Our union looks forward to working with the state, administration and the legislature to further ensure our members are protected from COVID-19 every day they go to work until the pandemic is behind us.”

“Janitors and property service workers fought for this tough standard to be adopted in rapid time because COVID-19 thrives where essential workers spend their time: in jobs that can’t be done from home, where jobs pay so little families are forced into crowded homes, and where racism has compounded the barriers to health care, leaving Black and Brown communities most vulnerable to illness and death from the virus,” said **David Huerta, President of SEIU - United Service Workers West**. “Today’s action is an important step toward getting this relentless virus under control, but more must be done. As we develop a permanent standard, we need strong and clear guidelines for cleaning standards, and we need to resource Cal/OSHA so that it has the ability to respond to every workers’ report of unsafe conditions.”

“Several months into the pandemic, our state is on the brink of confronting a third wave of infections and death, and most of these deaths will probably be amongst Latinos,” stated **Raul Pickett, Senior Policy Advisor with the Latino Democratic Caucus**. “If we do not feel some sort of rage when this sort of preventable tragedy occurs, if we don’t feel compelled to act in approving the ETS, then something has gone terribly wrong with us.”

Worker advocates point to real areas for improvement in the new rule and look forward to engaging with Cal/OSHA and employers to make improvements in the coming months. Workers have almost no specific rights to object when employers make inadequate plans to comply. Workers also do not have a specific way to object when employers fail to carry out their written plans — a problem we have seen repeatedly since the beginning of the pandemic. And lastly, workers have no way to help design the critical training programs that inform workers of their rights and the employers’ obligations, so workers will have to depend on supervisors for accurate information about social distancing, PPE and medical requirements. For all these problems, workers’ only remedy is to file a complaint with Cal/OSHA, and we know that the agency is overwhelmed with complaints. While Cal/OSHA will have an easier time enforcing this clear set of requirements than before, workers with

rights on the job can do much more to help prevent the spread of the disease, and show reluctant employers that workers are not going to tolerate backsliding.

Nonetheless, adopting an emergency regulation means employers will have specific direction on steps they must take to protect workers from virus spread. It also means Cal/OSHA will have a more powerful tool to enforce safety rules and hold employers accountable.

"I'm happy that Cal/OSHA has approved these critical emergency standards. They could have made a big difference in my situation," said **Paz Aguilar, an Oakland fast-food worker who has been left paralyzed on one side of her body after suffering a COVID-related stroke in August.** "The fast-food restaurants I worked in ignored my demands for basic safety protocols like quarantining sick workers, mask wearing and social distancing. I ended up testing positive for COVID-19 along with six co-workers and my sister-in-law whom I exposed to the virus. As COVID-19 sweeps our state at record levels, it is more important than ever that essential workers like us in fast-food have the power to report violations of public health orders and work with government to hold our employers accountable if they don't comply."

[A broad coalition of 45+ occupational health and safety organizations, labor unions, worker centers, community groups, and environmental organizations](#) supported the campaign for an emergency temporary standard. Dozens of workers and advocates testified at today's hearing.

Cal/OSHA and the State of California have published many detailed guidance documents for employers. This helpful guidance, while technically enforceable by Cal/OSHA, does not have the same force of law as a standard. Worker advocates widely report that many employers ignore the law, and pay little if any attention to voluntary guidance. A standard gives Cal/OSHA a more powerful tool to enforce the rules and hold employers accountable.

"California needs this enforceable Cal/OSHA standard that both employers and workers can rely upon for the 'rules of the road' to stem transmission in the workplace," said Knight with Worksafe. "Now we begin the hard work of educating employers and workers as we partner to bring community spread of COVID-19 under control."

Background

As of November 18, there have been more than one million confirmed cases of coronavirus in California, and more than 18,400 deaths ([source](#)); this week, an alarming rise in the number of cases and the rate of infection have forced the state to pull the "emergency brake" on California's reopening plan.

From [meat processing](#), to the [garment industry](#), to [grocery stores](#), to [fast food](#), the spread of COVID-19 in workplaces is more than a devastating headline. Workers in low-income jobs, immigrants and workers of color have borne the brunt of these deaths ([source](#)). According to Cal/OSHA, COVID-19 "has killed hundreds of workers in California and sickened thousands, and workers will continue to become ill and die until the pandemic subsides. COVID-19 is an occupational health emergency causing more deaths in less time than any other workplace crisis in the nearly fifty-year existence of Cal/OSHA" ([source](#)).

The action on the new standard comes after workers and advocates submitted [a petition](#) in May to urge the Standards Board to develop an emergency temporary standard tailored to COVID-19 hazards. [Here is an FAQ about the ETS campaign.](#)

As Cal/OSHA explained, a specific COVID19 emergency regulation “would provide clear instructions to employers and employees on what needs to be done to protect workers from COVID-19, eliminating any confusion and enhancing compliance.” ([source](#))

More information available at: <https://worksafe.org/COVID/action.html>

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Worksafe is a California-based nonprofit organization dedicated to protecting people from job-related hazards and empowering us all to advocate for the right to a safe and healthy workplace. For more information, visit www.worksafe.org.