

**For Immediate Release**

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## **COVID-19 Workplace Protections to Stay in Place; Judge's Ruling is Victory for Workers Over Corporations**

*Ruling comes as workers in low-income jobs,  
immigrants and workers of color continue to bear the brunt of workplace deaths*

**San Francisco** — A coalition of workers and advocates hailed a ruling today by San Francisco Superior Court Judge Ethan P. Schulman that means emergency rules protecting California workers from COVID-19 where they work will stay in place for now. The order is a blow to the National Retail Federation and other corporate employers who sought a preliminary injunction to halt the rules while their case to throw out the nation-leading Cal/OSHA standards to reduce virus transmission makes its way through the courts. The corporations asked the judge to eliminate the life-saving worker protections just as California was experiencing the worst surge in COVID-19 cases and deaths to date and as workplaces have been identified by public health officials as a driver of spread among essential workers and communities of color.

Worksafe Executive Director Stephen Knight said, "This important victory affirms that Cal/OSHA is within its rights to create emergency rules to protect workers in this pandemic that has taken an outsized and unacceptable toll on frontline workers and communities of color. As the judge said: 'Lives are at stake.' We look forward to continued enforcement action by Cal/OSHA to protect workers who are putting their lives on the line every day. California's rulemaking should serve as a model for immediate Federal action."

"This is a meaningful victory for essential fast-food workers like me who have organized our co-workers, gone on strike and spoken out to make our workplaces safer during the pandemic," said Julia Sarabia, a McDonald's worker and a leader in the Fight for \$15 and a Union. "Eighteen workers in my store tested positive for COVID-19 last summer and we are still facing workplace exposure to positive cases. The protections in the ETS are critical to our safety, and are only effective when our employers comply with them. While we remain on the frontlines of this crisis, we expect our employers to follow the rules and ensure we stay safe on the job."

In response to calls from workers and advocates, the Cal/OSHA Standards Board in November voted 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.

In the ruling, the judge wrote that the employer groups were unlikely to prevail in proving that Cal/OSHA should not have used an emergency rulemaking process to expedite the safety standards as the pandemic raged and workplace transmission resulted in illness and death. The judge went on to say that even if the plaintiffs could prove their case on the emergency process, the harm that would come from lifting the rules would be too great to justify the action: "Even if Plaintiffs were able to establish some likelihood of prevailing on one or more of their claims, the Court concludes that preliminary injunctive relief would not be warranted because both the

balance of interim harms and the public interest weigh heavily in favor of continued implementation and enforcement of the ETS regulations,” Schulman wrote.

California’s Emergency Temporary Standard created nation-leading rules requiring employers to disclose COVID-19 exposure and required employer response (including pay protection for workers sent to quarantine). The rules approved in November also broke ground in addressing specific issues of employer-provided housing and transportation that affect primarily essential workers in agriculture.

Just last month, President Biden [signed an Executive Order](#) calling for the federal government to enact tougher OSHA standards to protect workers from becoming infected with COVID-19 in the workplace. The order declared, “Healthcare workers and other essential workers, many of whom are people of color and immigrants, have put their lives on the line during the coronavirus disease 2019 (COVID-19) pandemic.” and called for science-based guidance to keep workers safe from workplace exposure.

### **Background**

From [shipping](#) to [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](#)).

Cal/OSHA's rules came 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. [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. [Here is an FAQ about the ETS campaign](#).

As Cal/OSHA explained, a specific COVID-19 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](#))

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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](http://www.worksafe.org).*