



The COVID-19 Every Worker Protection Act of 2020

Across the country, U.S. workers are suffering preventable illness and death because they do not have basic safety protections from COVID-19. The Occupational Safety and Health Administration (OSHA) – the only federal agency with the authority to immediately require employers to enact proper safety measures to protect their workers – is failing to take meaningful action.

While workers continue to be exposed to a deadly and highly transmissible virus, OSHA has no *enforceable standard to protect workers from COVID-19 and is refusing to take emergency action to make workplaces safer.*

The Problem: Although the Centers for Disease Control and Prevention (CDC) has issued guidance to protect workers, the guidance is not binding. The Department of Labor is refusing to establish an enforceable safety standard to protect workers from COVID-19.

According to the CDC, more than 16,000 U.S. health care workers have been infected with COVID-19. Outbreaks have been reported at a wide range of workplaces across the country, including one meat processing plant where more than 500 workers were infected with the virus.

The *Occupational Safety and Health Act* gives OSHA the authority to issue an Emergency Temporary Standard (ETS) if employees are exposed to grave danger from new hazards. However, [despite repeated calls](#) from Committee Democrats to issue an ETS, the Agency has made no effort to establish enforceable safety standards to protect workers from COVID-19.

The Solution: *The COVID–19 Every Worker Protection Act of 2020* would require OSHA to issue an Emergency Temporary Standard, based on CDC guidance, to protect all workers from exposure to COVID-19 in the workplace.

The *COVID–19 Every Worker Protection Act of 2020*:

- Requires OSHA to issue an Emergency Temporary Standard within seven days **that covers all workers** and requires all workplaces to implement infectious disease exposure control plans to keep workers safe during the COVID-19 pandemic.
 - OSHA would be required to issue a permanent comprehensive infectious disease standard within two years.
- Requires OSHA to **forbid employers from retaliating against workers** for reporting infection control problems to their employer, any public authority, to the media or on a social media platform.
 - The standard would also forbid employers from retaliating against workers for using their own higher level personal protective equipment if the employer does not provide it.
- **Protects public employees across the country** by requiring the 24 states where public employees are not currently covered by OSHA to adopt the ETS within 14 days of enactment;

- Gives OSHA the discretion not to issue citations to hospitals and other covered employers due to shortages of equipment, if:
 - The employer can show that they are making a good-faith effort to purchase personal protective equipment and come into compliance, and
 - The employer is implementing alternative methods to protect its employees.
- Requires CDC and the National Institute for Occupational Safety and Health to track and investigate work-related COVID-19 infections and make recommendations on needed actions or guidance to protect such employees.