

The Every Worker Protection Act of 2020 **Introduced by Senators Tammy Baldwin and Tammy Duckworth**

The Every Worker Protection Act of 2020, introduced by Senators Baldwin and Duckworth will require the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) within 7 days to protect health care and other employees from exposure to the coronavirus that causes COVID-19, followed by a final rule. The bill also includes anti-retaliation language to protect workers from retaliation for reporting infection control problems to their employer, public entities or on social media, and protects workers from retaliation for using their own PPE if the employer is not providing it.

The Every Worker Protection Act of 2020 expands upon The COVID-19 Health Care Worker Protection Act of 2020 (S. 3584), offering greater protections and covering more high risk workers from exposure to the coronavirus.

In the month since S, 3584 was introduced, life in the U.S., and particularly in American workplaces, has changed dramatically. According to the Centers for Disease Control and Prevention (CDC), almost 16,000 front line health care workers have been infected with COVID-19, and at least 41 have died. And health care workers continue to report hazardous conditions in their workplaces with shortages of critical personal protective equipment, and reports of serious failures of their workplaces to comply with CDC infection control guidance.

Meanwhile, workers in other occupations – from meat packing houses, to grocery stores, to warehouses and transportation workers, are getting infected and dying while also reporting that their employers are not providing respirators or cleaning the workplace.

As we make plans to re-open the economy, employees coming back to work in every workplace will need to take precautions to ensure that unsafe working conditions do not lead to a devastating Second Wave of infections.

Because of the rapid deterioration of working conditions in these workplaces, the provisions of S. 3584 were enhanced in **The Every Worker Protection Act of 2020** to address the emerging crisis and better protect America's most valuable resource, today's frontline workers.

The Every Worker Protection Act of 2020 will:

- Require OSHA to issue an Emergency Temporary Standard (ETS) within 7 days of enactment, instead of one month. We can't wait that long.
- Expand the scope of the ETS from health care workers to all workers – those essential employees at work today, as well as other workers who will face occupational exposure to the COVID-19 when they come back to work.
- Add language that protects workers from retaliation for reporting infection control problems to their employer, any public authority, to the media or on a social media platform. Also protects workers from retaliation for using their own personal protective equipment if the employer doesn't provide it.
- Require OSHA to issue a comprehensive permanent infectious disease standard within 24 months. The Emergency Temporary Standard will stay in effect until that permanent standard is promulgated.

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- Gives OSHA the discretion not to issue citations to hospitals and other covered employers due to shortages of equipment if the hospitals 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 OSHA to consult with the Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health, employer organizations, unions and professional associations before issuing the Emergency Temporary Standard (ETS).
- Requires OSHA to base the ETS and permanent standard on CDC guidelines and relevant scientific research on novel pathogens, instead of tying them directly to the SARS precautions in CDC's 2007 Isolation Guidelines
- Requires employers to develop an infection control plan "with the input and involvement of employees."
- Requires employers to record and report all work-related COVID-19 infections and deaths as set forth in the current OSHA regulation (Part 1904.)
- Requires states that have OSHA state plans operating outside federal OSHA to adopt the Emergency Temporary Standard within 14 days of enactment.
- Requires CDC and NIOSH to track and investigate work-related COVID-19 infections and make recommendations on needed actions or guidance to protect such employees.
- Provides coverage under the ETS of all public employees in the 24 Federal OSHA states where public employees are not currently covered by OSHA. Unlike H.R. 6139, public employees in the 24 Federal states would not, however, be covered by the permanent infectious disease standard.