

# Protect New York's Workers During the COVID-19 Crisis



## WHAT

The New York Health & Essential Rights Act, or NY HERO, is a proposed NYS bill that would require all businesses to adopt enforceable safety and health standards to protect workers from exposure and spread of COVID-19. Worker protections are critical to preventing community spread and ensuring that New York's economy can reopen safely.

## HOW

### ENFORCEABLE STANDARDS, NOT JUST GUIDELINES

Outbreaks continue to grow among workers across the country, and despite thousands of worker complaints, OSHA has largely abdicated its responsibility to protect the lives of workers. NY HERO directs the Department of Labor to issue protective standards to prevent exposure to COVID-19 that must be followed by businesses to protect all workers in the state, which will include protocols on: testing, face masks, PPE, social distancing, hand hygiene, disinfection, and engineering controls. Absent OSHA action, other jurisdictions have created enforceable standards with consequences for violations - it's now time for New York to act.

### Enforceable Standards

**DOL issues standards differentiated by industry, covering all workers**



**Employer adopts the DOL standards or creates own standards that equal or exceed those of the DOL**



**Standards are mandatory and enforceable under the law**

### ROLE OF WORKERS IN ENSURING SAFE CONDITIONS

COVID-19 is highly contagious and requires constant vigilance to prevent its spread. It will remain difficult to solely place this role on the DOL to frequently monitor businesses. Workers are well positioned to identify the safety and health risks in their workplace, and research has shown that worker voice has a positive impact on employer compliance with the law. NY HERO authorizes the creation of worker health and safety committees that will be empowered to raise complaints and report violations. The bill also includes strong anti-retaliation provisions that allow workers to exercise their rights without fear of reprisal.

## Workplace Health and Safety Committees

### Workers

- ✓ Right to form health and safety committee
- ✓ Trained and provided paid leave to perform duties
- ✓ Right to refuse work in unsafe conditions

### Employer

- ✓ Must recognize committee
- ✗ Interfering with committee formation
- ✗ Retaliating against workers who exercise rights or report violations

## DETER VIOLATIONS & HOLD EMPLOYERS ACCOUNTABLE

COVID-19 can mean fatal consequences for many workers, and worker infections have also resulted in community and household spread in New York State. That is why the goal of this bill must be to deter violations in the first place. Strong penalties and enforcement mechanisms will lead to increased compliance and lower COVID transmission rates, which in turn will boost consumer confidence in the economy. In addition, strong enforcement levels the playing field for businesses that do comply with the law.

## Holding Employers Accountable

### Department of Labor

- Directed to enforce this law and notify employers of violations
- May assess penalties for violations that go uncorrected
- Will have power to seek an injunction under egregious circumstances

**Workers will have the right to seek private action in court for violations**

## CAMPAIGN ENDORSERS

9/11 Environmental Action; Adhikaar; African Communities Together; Alianza Agricola; ALIGN: Alliance for a Greater New York; Amalgamated Transit Union Local 1181; BK ROT; Brandworkers; Center for Popular Democracy; Citizen Action of New York; Committee of Interns and Residents/SEIU; Communications Workers of America District 1; Community Resource Center; Community Voices Heard; District Council 37, AFSCME; DRUM – Desis Rising Up & Moving; Food Chain Workers Alliance; Freeport Workers Justice Center; International Brotherhood of Teamsters (IBT) Joint Council 16; GCC/IBT Local 2N; IBT Local 27; IBT Local 202; IBT Local 210; IBT Local 237; IBT Local 272; IBT Local 282; IBT Local 295; GCC/IBT Local 406; IBT Local 553; IBT Local 707; IBT Local 802; IBT Local 804; IBT Local 810; IBT Local 812; IBT Local 813; IBT Local 814; IBT Local 817; IBT Local 831; IBT Local 901; IBT Local 917; IBT Local 966; IBT Local 1205; Jobs with Justice; Jobs to Move America; Kinetic Communities; La Colmena; Laundry Workers Center; Legal Aid Society; Long Island Jobs with Justice; Make the Road New York; National Day Laborer Organizing Network; National Domestic Workers Alliance; National Employment Law Project; New Immigrant Community Empowerment; New York Committee for Occupational Safety and Health; New York Communities for Change; New York Immigration Coalition; New York Lawyers for the Public Interest; New York State Nurses Association; New York Working Families Party; Nobody Leaves Mid-Hudson; Northeast NY Council for Occupational Safety and Health; People's Climate Movement NY; Public Employees Federation; PUSH Buffalo; Queens Climate Project; Retail, Wholesale and Department Store Union; Sierra Club; Street Vendor Project; Strong Economy for All; Transport Workers Union of America; Transportation Alternatives; UAW Region 9A; UAW Local 2320; UFCW 1500; UFCW Local 2013; United Community Center of Westchester, Inc.; United Federation of Teachers; United Steelworkers Local 9544; VOCAL-NY; WE-ACT; Western NY Council for Occupational Safety and Health; Worker Justice Center of New York; Worker Justice Project; Workers Center of Central NY; Workers United New York New Jersey Regional Joint Board; Workplace Project