

COVID-19 Guidance for Unions and Workers



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COVID-19
WORKER INFO

Table of Contents

COVID-19 Guidance for Unions and Workers	Page 1
COVID-19 Measures for Unions	Page 2
Bargaining	Page 2
Bargaining: Pay	Page 3
Bargaining: Health Insurance	Page 3
Bargaining: Leave	Page 3
Bargaining: Safety	Page 3
Bargaining: Miscellaneous	Page 4
If the Employer Seeks Concessions	Page 4
Links	Page 5



The COVID-19 public health emergency raises critical issues for workers and unions. It is important to take steps right away to protect ourselves, our co-workers, and our customers.

Nonunion workers have rights under federal and state laws that require employers to provide safe and healthy workplaces (see the LINKS below). Most private sector employees are covered by the National Labor Relations Act (NLRA), which gives both union and non-union workers the right to talk to their co-workers and pursue improvements in their working conditions by communicating with or even making demands on their employer as a group (not individually). Workers without a union also have the right to form one to negotiate with their employer.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act contains an important provision regarding unionization. Any mid-sized company (more than 500 employees but less than 10,000) that receives direct loans under the Emergency Relief and Taxpayer protections portion of the Act must make a “good faith certification” that it will remain “neutral in any union organizing effort for the term of the loan.”

Mid-sized companies receiving loans under the CARES Act must also certify that they “will not abrogate existing collective bargaining agreements for the term of the loan and two years after completing repayment of the loan,” and are prohibited from outsourcing or offshoring jobs “for the term of the loan and two years after completing repayment of the loan.”



COVID-19 Measures for Unions

- Cancel or postpone union meetings, social activities, fundraisers, and other nonessential union events
- Maximize the use of alternative means of communication such as phone calls, texting, email, and social media to continue union business and inform members about workplace issues and union activities
- Use alternate ways to meet and make democratic decisions, including conference calls, video conferencing, and online voting
- Review relevant workplace health and safety requirements and guidelines (see LINKS below) and enforce them vigilantly and assertively
- Use your grievance procedure to enforce your contract's anti-discrimination language, to protect the rights of workers facing discrimination from all backgrounds, including Asian American and Pacific Islander (AAPI) employees, and support workers through the process of filing claims at appropriate federal, state, or local enforcement agencies
- Conduct grievance meetings via conference call or videoconference
- Extend grievance timelines if necessary
- Request bargaining (see below)

Bargaining

Unions can demand bargaining related to the effects that the COVID-19 public health emergency has on the workforce and workplace. Unions should utilize CDC and OSHA recommendations (see LINKS) to advocate for measures that could include temporary or permanent changes in pay, benefits, safety, work arrangements and work process, or any other pertinent aspect of employees' working conditions. Unions should also try to advocate for measures to protect customers, vendors, and anyone else who interacts with the workplace and its products and/or services.

Listed below is a collection of ideas gathered from various unions. Please note that this is a collection of examples, and therefore some may conflict with others – consider, select, and/or modify those that are most appropriate for your contract and workplace. Additional ideas and examples can be found in the LINKS below. Some of these issues are covered by the CARES Act; however, unions should be mindful of the limitations of that legislation and consider it a floor from which to negotiate additional measures and protections.



Pay

- Furlough pay for affected employees, and for how long
- Pay for at-risk employees who need to stay home
- Hazard pay
- Essential worker pay differential
- Pay for additional workload

Health Insurance

- Continuation of health benefits for furloughed/laid off workers, and for how long (this may require negotiating a waiver of contract language requiring a minimum number of hours for health insurance eligibility)
- Employer assumes laid off/furloughed employees' share of premiums, and for how long

Leave

- Unlimited paid sick time, with full health benefits, during this emergency for workers to take safety precautions, to take care of their own illness or exposure, or that of a family or household member
- Increased accrual rate for paid time off (PTO)
- Creation of "COVID PTO" that can be used before using existing PTO (negotiate broad applicability, not just those employees with positive tests)
- School closure leave
- Additional sick leave for those who have tested positive for COVID-19 and those who have been in contact with someone who has tested positive
- No retaliation, discipline, "points," or "occurrences" against any employee who takes necessary leave as a COVID-19 precautionary measure or to take care of themselves or their family

Safety

- Emergency safety protocols
- Additional sanitation standards
- Negotiation of a Preparedness and Response Plan
- New personal protective equipment such as gloves, masks, hand sanitizer, disinfectant wipes
- Re-organize the workplace to avoid large gatherings and maintain distance (approximately 6 feet or 2 meters) from others where possible
- Increase physical space between customers and employees
- Pursue maximum number of relevant OSHA recommendations (OSHA publication "Guidance on Preparing Workplaces for COVID-19" – see LINKS below)



Miscellaneous

- Directly pay (or reimburse) all costs for employees to get tested, treated, and vaccinated for COVID-19
- Any worker with a confirmed COVID-19 test will be paid and remain on health insurance for the duration of the condition
- Waive any waiting period for short-term disability
- Layoff protections
- Cleanliness and sanitation prioritized over production
- Unlimited overtime allowed for cleaning
- Allow remote work to the greatest extent possible
- Modifications to schedules
- Training and briefings by outside medical and occupational safety & health experts, with interpreters
- Mandatory for employer to provide regular updates/scheduled communications
- Short-term extension of expiring contracts
- If your contract lacks an anti-discrimination clause, negotiate language to protect the rights of workers facing discrimination from all backgrounds, including Asian American and Pacific Islander (AAPI) employees (be careful not to inadvertently waive individuals' ability to enforce their rights before federal, state, or local enforcement agencies)

If the Employer Seeks Concessions

This public health emergency is also bringing about a historically significant economic crisis. This may result in your employer asking for mid-contract concessions. Here are some tips for such a situation:

- Use information requests to verify the purported problem
- If concessions are indeed necessary, ensure “equality of sacrifice” that includes all levels of management
- Any concessions should be temporary; the agreement should specify an unambiguous timeframe after which concessions expire
- Negotiate additional items in return for concessions, such as improved language on job security, health and safety, contracting out, successorship, definitions of what is grievable, or removal of a zipper clause



Links

CDC Guidance for Employers

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

OSHA COVID-19 Resource Page

<https://www.osha.gov/SLTC/covid-19/>

OSHA Guidance on Preparing Workplaces for COVID-19

<https://www.osha.gov/Publications/OSHA3990.pdf>

OSHA Right to Refuse Dangerous Work

<https://www.osha.gov/right-to-refuse.html>

National Council for Occupational Safety and Health Coronavirus Resources

<https://nationalcosh.org/coronavirus>

National Institute of Environmental Health Sciences (includes links to many other resources)

<https://tools.niehs.nih.gov/wetp/covid19worker/>

National Institute for Occupational Safety and Health Coronavirus Resource Page

https://www.cdc.gov/niosh/emres/2019_ncov.html

National Safety Council Guidance for Employers: COVID-19 and the Workplace

<https://www.nsc.org/work-safety/safety-topics/coronavirus>

US Department of Labor Coronavirus Resources

<https://www.dol.gov/coronavirus>

Labor Notes Pandemic Resources

<https://labornotes.org/coronavirus>

Sample List of Demands to Management

[https://labornotes.org/sites/default/files/COVID Demands to Manager.docx](https://labornotes.org/sites/default/files/COVID%20Demands%20to%20Manager.docx)

AFL-CIO Federal and State Resources for Workers Impacted by COVID-19

<https://aflcio.org/covid-19/state-resources>

South Central Wisconsin Federation of Labor COVID-19 Resources

<http://scfl.org/covid-19-resources>

Example Leave Agreement: Communications Workers of America (CWA) and Verizon

<https://files.constantcontact.com/92847ee7001/18815864-256c-4365-9b8f-463cdb8dcac7.pdf>

Related Labor Notes Article

<https://labornotes.org/blogs/2020/03/verizon-union-wins-model-paid-leave-policy-coronavirus-will-other-unions-demand-same>

LabourStart: COVID-19 News from the World's Trade Unions

<https://www.labourstart.org/covid-19.php>





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