



## The Trump Administration's Failure to Keep Workers Safe from COVID-19

**Our nation is experiencing the worst worker safety crisis in recent history in the middle of a global pandemic. The Trump administration is telling workers they are on their own.**

Over the last several months, workers across the country have suffered tens of thousands of preventable illnesses and deaths because the Trump administration has failed to provide basic workplace safety protections from COVID-19. The Occupational Safety and Health Administration (OSHA) – the only federal agency with the authority to require employers to implement effective safety measures to protect their workers – still has **no enforceable standard to protect workers from COVID-19 and is refusing to take emergency action to make workplaces safer.**

COVID-19 has caused more deaths among workers in a shorter period of time than any other health emergency since the creation of the Occupational Safety and Health Administration 50 years ago. As of the end of August:

- **Health care workers:** Over 150,000 infections and 672 deaths based on partial state reporting to CDC.
- **Corrections Employees:** At least 28,714 staff infections, and 85 staff deaths
- **Police Officers:** Over 100 deaths, more than gun violence, car accidents and all other causes combined.
- **Food and farm workers:** Almost 58,000 food system workers have tested positive for the infection and 250 of those have died. In meatpacking and poultry alone, there have been almost 42,000 reported positive cases in at least 417 plants, and at least 200 workers have died.
- **Nursing homes:** As of the beginning of August, almost 100,000 nursing home workers have been infected and close to 700 have died due to lack of training, adequate infection control procedures and shortages of personal protective equipment.
- Current data likely underestimate the shocking toll of COVID-19 on workers and their families, because there is **there is no national system for tracking workplace infections or deaths.**
  - Aside from some health care workers, neither CDC nor OSHA has a system for tracking the number of workers who have gotten infected, sick or died.
  - What's more, Senate Republicans are promoting legislation that would prohibit OSHA – on the state or federal level – from issuing almost any citations against employers who are endangering their workers.

OSHA is the only federal agency with the authority to require employers to enact effective safety measures to protect their workers, but it is refusing to take meaningful action to confront this crisis. **To date, OSHA has issued ONLY FOUR coronavirus-related safety citations – one for a recordkeeping violation and three against a nursing home company for paperwork violations.**

- Federal OSHA has received almost 10,000 complaints and referrals related to COVID-19 and closed over 7,000 without any action. It has conducted inspections for fewer than 2 percent of all workers complaints it has received.
  - Sixty percent of OSHA inspections for COVID are fatality investigations – after a worker has died.

- Outside of health care, OSHA is generally doing only phone inquiries instead of on-site inspections and often warning employers before conducting inspections allowing companies to clean up their workplaces before inspectors arrive.
- OSHA has the authority to immediately establish an emergency safety and health standard that would create clear, enforceable requirements for employers to protect workers from COVID-19. But instead, the agency is issuing only voluntary guidance to employers, which they can choose to follow or not.
  - The *Occupational Safety and Health Act* gives the Department of Labor 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 Department has rejected calls to issue an enforceable safety standard to protect workers from exposure to the coronavirus and refuses to state that COVID-19 presents a “grave danger” to workers.
- As states begin to relax stay-at-home orders and people return to work, the risk of workplace infections that spread into the community will dramatically increase unless OSHA issues an enforceable safety standard to protect workers.
  - The experience of workers in meatpacking plants demonstrates what will happen if OSHA does not establish enforceable standards to protect workers from COVID-19. In April and May, meatpacking plants across the country temporarily closed in the face of massive coronavirus infections. One Iowa Tyson plant saw 60 percent of its employees test positive.
- Workers need a strong, enforceable federal safety standard. An Emergency Temporary Standard is the only way that OSHA can move quickly to address the risk.

**OSHA’s failure to take meaningful action has sent a clear message to workers across the country: they are on their own. House Democrats have passed multiple provisions to support workers at a time when the administration refuses to do so.**

On May 15, the House passed the *Heroes Act* (H.R. 6800), which included the *COVID 19 Every Worker Protection Act*, which:

- **Requires OSHA to issue an enforceable emergency temporary standard (ETS) within seven days that protects all workers from COVID-19 infections.**
  - The OSHA standard would require employers to develop and implement infection control plans to protect workers based on CDC and other expert guidance.
  - The standard would forbid employers from retaliation against workers for reporting unsafe conditions or using their own higher level personal protective equipment if the employer does not provide it.
- Provides coverage to public employees in the 24 OSHA states where public employees are not currently covered by OSHA.
- Requires OSHA state plan states 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 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 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.