

AFL-CIO

AMERICA'S UNIONS

AFL-CIO Executive Council Statement • Washington D.C. • March 24, 2020

WORKING PEOPLE'S DEMANDS IN THE FACE OF THE COVID-19 PANDEMIC

COVID-19 has now been declared a pandemic, and the disease is spreading quickly throughout the United States. In a matter of weeks, the human and economic impact has become devastating for working people and for our country. The labor movement is mobilizing and doing everything we can to protect our members and the general public, and we ask the federal government, state and local governments, and employers to do the same.

The 55 unions representing 12.5 million union members who make up the AFL-CIO—including workers on the front lines—are working nonstop to empower and protect people in harm's way. We have trained and educated our members about what they need to be safe on the job. We are coordinating to immediately develop and disseminate education and training, logistical resources, and recommendations from leading experts.

We demand action at the scale and with the urgency that this pandemic requires. We must protect our front-line workers; mitigate the public health crisis; sustain people as long as the crisis lasts, especially workers in severely affected sectors; support state and local governments; and rebuild our economy and put people back to work. To do this, we outline below a set of immediate steps in the areas of occupational health and safety; worker protections such as paid leave, paid sick days, workers' compensation and unemployment insurance; medical treatment and community mitigation; and the pandemic's economic impact.

WORKER SAFETY AND HEALTH

- The Occupational Safety and Health Administration (OSHA) must issue an emergency temporary standard (ETS) to protect all workers at potential risk of occupational exposure to infectious diseases, including COVID-19. Employers must be required to assess workplace-specific risks, implement controls to reduce risks, develop protocols and training, and develop pandemic plans, with workers engaged in each process. The ETS should cover workers in some transportation sectors and public sector workers in states where they lack OSHA coverage, in order to prevent widespread transmission. This standard should provide no less protection for novel pathogens than the standards adopted under state plans.
 - Employers have an obligation to maintain safe workplaces and should follow the precautionary principle, which means they should not wait until they know with absolute certainty before taking action to protect the health of their workers. Some workers have previously been exposed to toxic substances on the job that led to chronic illnesses, which is illegal and places these workers, such as miners, at increased risk for severe symptoms associated with the coronavirus.
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- All workers should be provided the appropriate resources, training, equipment and protocols to be protected from the virus and avoid infecting other people. Since there is no established safe exposure limit to the virus, the goal should be to eliminate exposure to the greatest extent possible.
 - When workers who respond to, care for, or treat the health care needs of the public in the course of our employment become exposed to or infected with the virus, any exposure or infection should be presumed to be an on-the-job injury or illness suffered in the course of our employment.
 - Federal and state funding must be targeted to worker safety and health training on infectious disease control; adequate personal protective equipment and fitting; emergency response and preparedness; and other workplace-specific training that equips our working people with the tools we need during this crisis and for the future.
 - Current guidance from the federal government—in particular for workers in the transportation and health care sectors—is inadequate, and protective guidance must be developed for all at-risk workers and made public on a priority basis. The Centers for Disease Control and Prevention (CDC) must strengthen, rather than weaken, existing guidance or protocols. Particularly, CDC must reverse its change that now permits health care workers to rely on surgical masks instead of protective N95 respirators or a greater level of protection when caring for patients with suspected or confirmed COVID-19.
 - Workers need many more inspectors and health specialists from OSHA and the Mine Safety and Health Administration (MSHA) to combat the crisis. As a result of a broader effort by the Trump administration to reduce the number of federal workers and weaken federal unions, the number of OSHA inspectors is now at its lowest level ever, and MSHA has reduced and consolidated inspectors. The United States spends 12 times more on immigration enforcement than on all labor standards enforcement.
 - After the pandemic subsides, there should be resources dedicated to an analysis that assesses the response at all levels of government and improvements made in pandemic plans, training, procedures, capacity and resource allocation to these efforts so we can better prepare for the next pandemic.

OTHER WORKER PROTECTIONS

- The COVID-19 pandemic has highlighted the inadequacy of our systems of paid sick days, paid leave, workers' compensation and unemployment insurance (UI), which must now be modernized and improved to address the crisis. We must not act as if this will not happen again. We must use this moment to plan now for any future outbreaks.
- All working people who are sick, who are affected by quarantine orders or who are responsible for caring for children whose schools have been closed should have job protection and paid sick leave for a minimum of 14 days. Making it possible for workers to stay at home and care for our families without penalty is as important as protecting workers on the job. The program included in the second stimulus bill, the Families First Coronavirus Response Act (H.R. 6201), needs to be broadened. One way to accomplish this goal is by establishing a universal sick leave fund to ensure that all working people, including workers in the entertainment industry, have access to benefits.

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- We must transform the existing UI system by dramatically broadening eligibility (including for workers in the entertainment industry), eliminating waiting periods, and increasing both benefit levels and administrative funding. UI benefits must be available and adequate for workers who lose work due to the COVID-19 pandemic—workers who are laid off, isolated, quarantined or who take voluntary leave in lieu of layoff or must care for a loved one in such situations. Previous recessions have clearly demonstrated that the UI system is inadequate and failing workers.
 - The Disaster Unemployment Assistance (DUA) program should be strengthened so it applies to pandemics in the same manner as for natural disasters.
 - All working people must be treated with respect. No worker should be fired because of infection or fears of possible infection; no worker should be retaliated against for reporting exposure, illness or unsafe conditions; and workers who are isolated, quarantined or removed from work for precautionary reasons must not suffer adverse consequences.
 - This crisis highlights all the reasons why all workers must have the freedom to engage in collective bargaining with their employers. Workers must be able to address critical issues related to staffing, equipment and other resources before the crisis hits to protect the public and themselves.

MEDICAL TREATMENT, CONTAINMENT AND COMMUNITY MITIGATION

- The risk of systemic failure in health care delivery should not be underestimated. The federal government must urgently provide resources and direction to expand capacity in our health care system to handle the surge in demand, including by activating additional front-line professionals; deploying medical stations and outpatient clinics; standing up temporary hospitals; and providing additional intensive care units.
- The federal government must also use emergency authorities to vastly expand national production of needed medical supplies and equipment, including personal protective equipment, ventilators and test kit components.
- Workers must not be discouraged by cost considerations from taking the necessary steps—such as staying at home when they are sick and getting tested for the virus—to protect public health and keep the virus from spreading.
- Free testing must be made available and easily accessible to everyone to ensure prompt recognition of, and response to, COVID-19 cases. We need to focus urgently on ensuring an adequate supply of tests; providing daily reports on the number of tests available; and building capacity for drive-through testing. Priority should be given for front-line workers who work directly with the public, including health care workers, firefighters and paramedics.
- All workers should have access not only to testing, but also to preventive care, medical treatment and, eventually, voluntary vaccination at no additional cost. All patients must be reimbursed for any noncovered costs related to the virus. The federal government should provide emergency subsidies to cover premiums for workers with health care coverage under multiemployer health care plans.

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- The government should ensure all workers, regardless of immigration status, are able to access testing, care and benefits; suspend the “public charge” rule and in-person immigration court proceedings during the crisis; and announce that there will be no immigration enforcement consequences for engaging with the health system.
 - The federal government should provide emergency subsidies to cover COBRA health insurance payments of unemployed workers.
 - Now is the time to address shortcomings in the Medicaid program—for example, by suspending waiting periods and issuing waivers for expanded eligibility.
 - Low-income patients and the uninsured must be protected. Funding for community health centers should be increased to provide for the uninsured. The obligation of tax-exempt hospitals to offer financial assistance to patients at the time of service and to not pursue extraordinary collection efforts for a period of one year should be clarified. Current legal proceedings for medical debt collection should be suspended for one year.
 - The impact of COVID-19 will strain the health care workforce to the breaking point. To ensure health care workers can perform their duties as safely and efficiently as possible, free 24-hour child care centers should be established near all large health facilities, and a health care worker fund should be created to protect all first responders and health care professionals from financial harm. Staff at these child care centers should be instructed in best practices to ensure the centers do not become a source of contagion, and staff and children should be adequately protected.
 - With schools closing across the country, many low-income children are missing out on breakfast and lunch. The Supplemental Nutrition Assistance Program (SNAP), the Women, Infants and Children (WIC) program and the school lunch program should be expanded, and any federal regulations that weaken food assistance should be suspended.
 - To equip schools with more technology so they will be better equipped to deal with future crises, there should be funding to get computers and high-speed internet connections to all students. Teachers should be given support and preparation for distance learning, as well as resources to support the social and emotional needs of students.
 - States should expand opportunities and timelines for voting by mail or absentee ballot and ensure that state laws make it possible, and that the states have enough supplies to make it possible for any voter who wants to vote from home to do so. States should expand other early voting opportunities and provide for Election Day, online, and automatic voter registration.

ECONOMIC IMPACT

- The potential impact of the COVID-19 pandemic on the U.S. economy is unlike anything we have experienced in our lifetimes, and our response must be equal to the challenge facing us. The transportation, arts and entertainment, health care, building trades, public education, retail, manufacturing, and hospitality sectors will be the most severely impacted, but the entire U.S. economy is at very high risk.

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- First, the U.S. government should offer to assume, on a time-limited basis, the payroll costs of idled or hibernating firms to keep them in business and their workers employed, and to maintain the cash flow of households and firms, so these businesses can emerge from the crisis with a full workforce and minimal debt burden. There are several ways to do this, including through an expanded and reimagined UI system. One advantage of this approach is that it avoids the distortions that traditional forms of stimulus might have in this crisis period.
 - Second, additional targeted assistance for particular sectors and industries will still be necessary. Targeted assistance to private companies must meet the following tests:
 - All companies getting assistance must offer 14 days of paid sick leave and comply with worker safety standards for infectious disease.
 - All companies getting assistance must maintain current workforce levels and current wages and benefits.
 - All companies getting assistance must be barred from outsourcing or abrogating union contracts in bankruptcy.
 - All companies getting assistance must be barred from stock buybacks or dividends until the money is repaid, and executive pay must be limited.
 - All companies getting assistance must remain neutral in union organizing drives and any of the money provided to those companies may not be used in anti-union activities.
 - Workers must be involved in the governance of any targeted sectoral assistance, and there must be worker representatives on the boards of any assisted companies.
 - The public must receive a return in the form of equity in companies getting assistance.
 - Third, many major U.S. employers are financially vulnerable due to high levels of corporate debt. Bank regulators should work with the major U.S. bank holding companies and other suppliers of commercial credit to ensure employers have access to credit to weather the crisis and avoid spreading financial or economic contagion, without undermining the rules that protect consumers and keep our financial system safe and stable.
 - Fourth, as discussed above, we must sustain individuals through the crisis—and prepare for the next crisis—by transforming the existing UI system. Eligibility should be dramatically broadened (including for workers in the entertainment industry), waiting periods should be eliminated, and both benefit levels and administrative funding should be dramatically increased.
 - To sustain state and local governments, federal grant funding will be necessary to ensure that essential public services are maintained. Both state and local governments will lose revenue from the shuttering of hotel, entertainment and dining establishments.
 - We propose that the federal government should pay the entire cost of Medicaid for a period of one year. Assuming the costs of Medicaid is a very quick and effective way to allow state governments to make necessary public health investments.
 - In addition, direct general assistance to state and local governments will be necessary to address the reduction in revenue collections and the spike in demand for public services. Federal grant assistance to state and local governments should equal 7% of state and local tax revenue, or more than \$175 billion.
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- To sustain individuals through the crisis, the federal government should temporarily ban foreclosures, evictions, aggressive collection practices by debt collectors and student loan defaults. Stimulus legislation should include relief for mortgage, rent and utility payments, and prevent negative reports to credit agencies or adverse credit scores for delinquencies caused by the crisis.
 - The COVID-19 pandemic already has depressed capital markets, which have huge implications for the retirement security of America's working families, as trillions of dollars of retirement assets held by individuals and private and public pension plans are invested in equities. Aid to troubled pension plans should be at the same level as aid to employers. There is now even more urgency for the Senate to pass legislation to address the looming multiemployer pension crisis. Further, Congress must extend and improve the single-employer pension funding stabilization rules and take additional steps to help address the impact of extreme market losses.
 - Investment in infrastructure puts people to work and boosts long-term economic growth, and must be part of any stimulus plan to get the economy back on its feet. But state and local governments need funding certainty, and any infrastructure program must extend over a long period of time. Now is the perfect time to ensure the long-term viability of the Highway Trust Fund, which will run out of money this year. Any infrastructure package must maintain long-standing federal policies that protect working people with high labor standards to ensure that infrastructure investments create good jobs. Universal access to broadband internet would be particularly useful and necessary in the current circumstances, as school systems try to continue instruction online.
 - Increased funding for Amtrak and public transit must be increased to keep workers on the job; and the U.S. Postal Service must be provided immediate financial relief and flexibility to further utilize its vast network as people increase their demand for e-commerce, vote by mail and prescription drug delivery.
 - In contrast to the measures outlined above, a payroll tax cut would be too slow and too modest; would not benefit laid-off workers; would benefit higher-wage more than lower-wage workers; and could endanger future funding for Social Security.
 - There is also added urgency to reforming Chapter 9 and Chapter 11 of the Bankruptcy Code to keep governments and corporations from using bankruptcy as a strategy to tear up collectively bargained agreements, which often results in working people and retirees losing their health care and pensions.
 - To rebuild a stronger and more stable economy, we must pass the Protecting the Right to Organize (PRO) Act and guarantee comparable rights for public employees.
 - U.S. companies and policymakers should re-examine the dependence of the global economy on production in China.

It is critical that our overall response to the COVID-19 pandemic be inclusive, since the virus will make all kinds of people sick. The coronavirus does not discriminate between management and workers; unionized workplaces and nonunion workplaces; citizens and noncitizens; rich and poor; or workers with different skin color. This is a public health crisis that must not be politicized by scapegoating immigrants.

The COVID-19 pandemic has exposed the inadequacy of our systems of worker protection, health care, and occupational health and safety, as well as the impact of many years of budget austerity and underfunding of our public health infrastructure. It should serve as an indictment of the reckless and dangerous deregulation championed by the Trump administration, which has weakened or eliminated health and safety rules, cut back the number of workplace inspectors to their lowest level in history, and dismantled the infrastructure previous presidents had put in place to mitigate infectious disease outbreaks like this one. The pandemic also has exposed underlying weaknesses in our economy, such as high levels of corporate debt and excessive reliance on long supply chains and production in China. The urgency of strong and decisive action must not be minimized.

Furthermore, this crisis underscores the critical importance of honest and transparent information from political leaders. We need to listen to the scientists and allow them to do their job.

The AFL-CIO will build out and refine these preliminary recommendations to develop a comprehensive policy agenda to address all the implications of the COVID-19 pandemic.