

KEEPING YOURSELF PROTECTED AT WORK

MY PLACE OF BUSINESS IS REOPENING. DO I HAVE TO REPORT TO WORK?

Businesses operating during the COVID-19 emergency must follow the appropriate guidance to ensure workers and consumers are safe. This includes state-specific [guidance from the Pennsylvania Department of Health for businesses](#), as well as federal guidance from [OSHA](#) and the [CDC](#).

Employment in Pennsylvania is “at-will,” meaning that an employer can terminate an employee at any time for any reason (except an illegal one) or for no reason at all. “At-will” also means an employee can leave a job at any time for any reason without legal consequences. However, you may have more rights if you have a contract with your employer, or if you are a member of a union with a collective bargaining agreement. If you are a member of a union, contact your union representative.

Generally, refusal to return to work would disqualify an employee from receiving unemployment compensation benefits. Due to the COVID-19 emergency and the Governor’s and Health Secretary’s safety orders, however, you may still be eligible for unemployment compensation benefits even if you refuse to return to work, depending on your circumstances. Please read through the following FAQs to learn more.

As of the May 13, 2021 announcement about amending and lifting the mitigation orders, if possible, all businesses are strongly encouraged to conduct their operations in whole or in part remotely through individual teleworking of their employees in the jurisdiction or jurisdictions in which they do business. Businesses choosing to conduct in-person operations must comply with all guidance issued by the Wolf Administration, the Department of Health, and the Centers for Disease Control and Prevention.

WHO CAN I CONTACT IF MY EMPLOYER IS OPERATING UNSAFELY?

Complaints about businesses not following OSHA standards, including the [Occupational Safety and Health Administration \(OSHA\) COVID-19 guidance](#), should be [filed with OSHA](#).

I AM IN AN AT-RISK POPULATION FOR COVID-19. DO I NEED TO RETURN TO WORK?

If you are in an at-risk population for COVID-19, you should first talk to your employer about reasonable accommodations to work productively in a manner that is safe for you.

Such reasonable accommodations may include but are not limited to the following:

- Teleworking;
- Modifying your responsibilities to limit face-to-face customer contact;
- Using a different route of egress in and out of your place of employment in order to limit contact with other coworkers and customers; and/or
- Using a workspace separate and closed from coworkers to promote social distancing.

If you are in an at-risk population for COVID-19 and your employer cannot or refuses to make reasonable accommodations for you to work safely, you may be eligible for unemployment compensation. The Office of Unemployment Compensation will make eligibility determinations driven by the facts on a case-by-case basis. Visit www.uc.pa.gov to find out more.

Since employment in Pennsylvania is “at-will,” your employer may be able to terminate your employment if you do not report to work as required by your employer. However, this may not be the case if you have a contract with your employer, or you are a member of a union with a collective bargaining agreement. If you are a member of a union, contact your union representative.

I AM NOT A MEMBER OF A UNION WITH A COLLECTIVE BARGAINING AGREEMENT. ARE THERE ANY ACTIONS I CAN TAKE IF I FEEL CONDITIONS AT MY WORKPLACE ARE UNSAFE?

If you are concerned that there is an immediate threat of harm to health or safety at your place of employment, or that conditions have deviated from the norm or a reasonable level of risk, an important first step is to talk with your employer about the problem and try to resolve it.

Your rights under the National Labor Relations Act (NLRA)

The NLRA ensures that workers, even those that are not members of a union, can conduct concerted activities if there is a reasonable level of risk at their place of employment. For more information on your rights under the NLRA, contact your regional office of the National Labor Relations Board (NLRB) or visit the NLRB’s website.

Your rights under OSHA

Under OSHA, your right to refuse to do a task may be protected if certain conditions are met. Learn about workers' rights to refuse dangerous work by visiting the [OSHA website](#) or by contacting your [regional OSHA office](#).

HOW CAN I PROTECT MYSELF AT WORK?

There are many ways to keep yourself safe and protected from COVID-19 at work.

Be familiar with federal and state guidance and health and safety orders. You and your employer should review the protocols outlined in the [Pennsylvania COVID-19 Guidance for Businesses](#). This guidance includes protocols for:

- Disinfecting work areas, materials, and frequently used surfaces;
- Maintaining social distancing of 6 feet or more, including with customers;
- Notifying and screening employees who have been exposed to a probable or confirmed case of COVID-19;
- Staggering employee start, stop, and break times;
- Providing employees with face coverings and requiring their use; and
- Providing additional guidance for businesses that serve the public within a building or defined area.

For information regarding updated cleaning guidance and updated building management guidance, please refer to [Frequently Asked Questions](#) regarding the Governor's and Secretary of Health's Mitigation, Enforcement, and Immunity orders as of May 13, 2021.

If you are sick, stay home. If you develop [symptoms that may be associated with COVID-19](#), separate yourself immediately from customers and other employees and go home.

Educate yourself and your coworkers on how to reduce the spread.

- Wash hands frequently for at least 20 seconds with soap and water. If soap and water are not available, use hand sanitizer regularly.
- Avoid touching your eyes, nose, and mouth. Cover your mouth and nose with a tissue when you cough or sneeze, or use the inside of your elbow.
- Clean AND sanitize commonly touched objects and surfaces in the workplace such as countertops, light switches, cell phones, and other frequently touched areas. Depending on your work, this may also include vehicles.
- Avoid using another employee's work tools or equipment.
- Wear a face covering to keep yourself and others safe by reducing the spread of COVID-19.
- To learn more about recommended best practices for how to protect yourself and others, please visit the [CDC website](#).