

PROTECTING YOURSELF AT WORK DURING THE COVID-19 PANDEMIC



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

On March 19, Governor Tom Wolf ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations to slow the spread of COVID-19. The following businesses are currently permitted to operate during the pandemic:

- Businesses that have been listed as life sustaining according to the Governor's and Secretary of Health's Non-life Sustaining Business Closure Order.
- Businesses with a waiver from the PA Department of Community and Economic Development (DCED) may keep their physical locations operating in strict accordance with their waiver approval.
- Construction, real estate, and vehicle dealership businesses may operate per guidance to the construction industry on May 1, guidance to businesses permitted to operate issued May 4, and guidance to the real estate industry issued May 19.
- Certain businesses may be permitted to open when the county in which they are located moves from "red" to "yellow" or "yellow" to "green" as part of Pennsylvania's Phased Reopening.

Businesses permitted to operate during the COVID-19 emergency must follow the appropriate guidance to ensure workers and consumers are safe. This includes state-specific guidance for businesses issued by the PA Department of Health (DOH), 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.

Generally, refusal to return to work would disqualify an employee from receiving unemployment compensation (UC) benefits. However, due to the COVID-19 emergency, the business closure order, and safety guidance from DOH, you may still be eligible for unemployment compensation benefits even if you refuse to return to work, depending on your circumstances. Please read the following FAQs to learn more.



WHO CAN I CONTACT IF MY EMPLOYER IS RE-OPENING AND SHOULDN'T BE, OR IF THEY ARE OPERATING UNSAFELY?

Complaints about businesses remaining in operation that should be closed or about businesses violating the PA DOH Worker Safety Order and Building Safety Orders can be reported by using the DOH complaint form, or by calling your local law enforcement's non-emergency number. Please do not call 911.

Complaints about businesses not following OSHA standards, including the OSHA COVID-19 guidance, should be filed with OSHA.



MY EMPLOYER IS REOPENING IN VIOLATION OF THE BUSINESS CLOSURE ORDER. IF I REFUSE TO RETURN TO WORK, AM I STILL ELIGIBLE FOR UNEMPLOYMENT COMPENSATION?

Yes, if your employer violates the Governor's and Health Secretary's business closure orders and requires you to report to a physical location before your employer is permitted to be in open in accordance with those orders, you can refuse work and still be eligible for UC.



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. 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 way into 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 will not make reasonable accommodations for you to work safely, you may be eligible for UC. The Office of Unemployment Compensation will make eligibility determinations based on the facts of each individual case. Visit www.uc.pa.gov to find out more.

If you are directed by a medical professional or government official to quarantine or self-isolate, your employer may be required to provide you with paid leave as part of the Families First Coronavirus Response Act.

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 unless 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 your health or safety at your place of employment, or the working 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. If you and your employer are unable to resolve the issue, a wide range of actions may be available to you under the protection of the National Labor Relations Act (NLRA) and OSHA.

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.

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 Secretary of Health's April 15, 2020 Worker Safety Order and its FAQ that outlines protections for workers who are employed at businesses that are authorized to maintain in-person operations during the COVID-19 disaster emergency. This order 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 masks and requiring their use;
- Additional guidance for businesses that serve the public within a building or defined area.

If your employer is not following the Department of Health's order, you can file a complaint with the DOH COVID-19 online complaint form.

If you are sick, stay home. If you develop a fever, cough, or shortness of breath, 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.
- 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 frequently 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 mask to keep yourself and others safe by reducing the spread of COVID-19.