

HEALTH & SAFETY PROTECTIONS FOR MICHIGAN WORKERS DURING COVID-19

Michigan Immigrant Rights Center

June 16, 2020

Diana Marin and Gonzalo Peralta





ON TODAY'S AGENDA:

1. MIRC services and the farmworker and immigrant worker rights program
2. Executive Order 2020-114: workplace safety protections

Systemic Advocacy



Coalition Building



Education and Training



Direct Services



MICHIGAN IMMIGRANT RIGHTS CENTER

Farmworker and Immigrant Worker Rights Program



- Free, confidential, legal advice and representation
- No immigration status requirements
- Focus on issues related to employment
 - *i.e. unpaid wages, employer-provided housing, employment discrimination, sexual harassment, labor trafficking*
- Local and Statewide policy advocacy

Farmworker & Immigrant Worker Hotline

- Joint, toll-free employment hotline shared with Farmworker Legal Services:

1-800-968-4046

**Currently operating via voicemail and callback system*

Immigration Hotline

- *We accept calls from immigration detention*
- Toll free immigration hotline:

1-734-239-6863

**Intake staff answering Live M-F 9am-5pm*



Executive Order 2020-0114:
Safeguards to protect Michigan's
workers from COVID-19

Effective June 5, 2020
*(could be rescinded and replaced as
it has several times prior)*

Industries included under EO 2020-114

- Construction
- Manufacturing
- Research Laboratories
- Retail stores open for in-store sales as well as libraries and museums
- Restaurants and Bars
- Outpatient Health-care Facilities (including clinics, dental offices, and veterinary clinics)
- Offices
- Businesses that provide in-home services
- Personal-Care Services
- Sports and Entertainment Facilities as well as places of public amusement
- Gymnasiums, recreation centers, exercise facilities

All businesses that require employees to leave their homes

Must, at a minimum...

- Develop a COVID-19 preparedness and response plan consistent with OSHA Guidance on Preparing Workplaces for COVID-19
<https://www.osha.gov/Publications/OSHA3990.pdf>
 - *Within two weeks of resuming in-person activities, a business's or operation's plan must be made readily available to employees, labor unions, and customers*
- Establish a response plan for dealing with a confirmed infection in the workplace, including protocols on sending employees home and for temporary closures to allow deep cleaning
- Designate 1 or more supervisors to implement, monitor, and report on COVID-19 control strategies... they must be on-site the entire time employees are on-site.

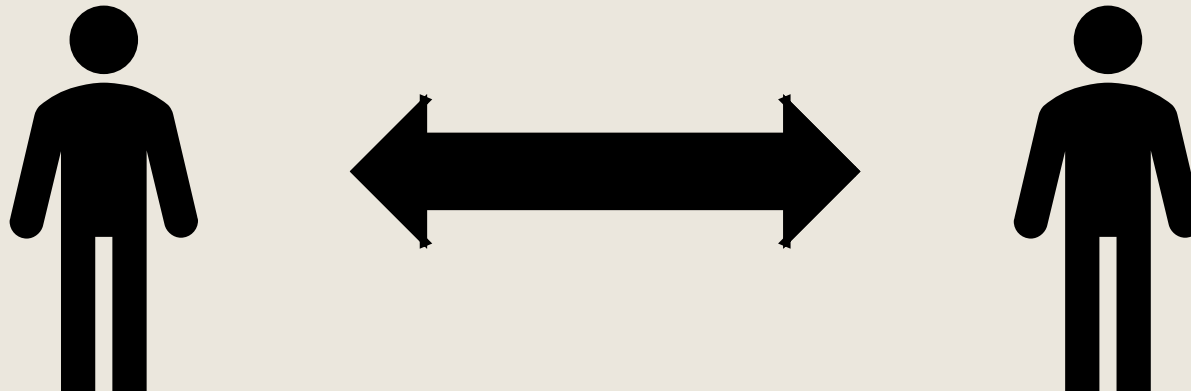


And...

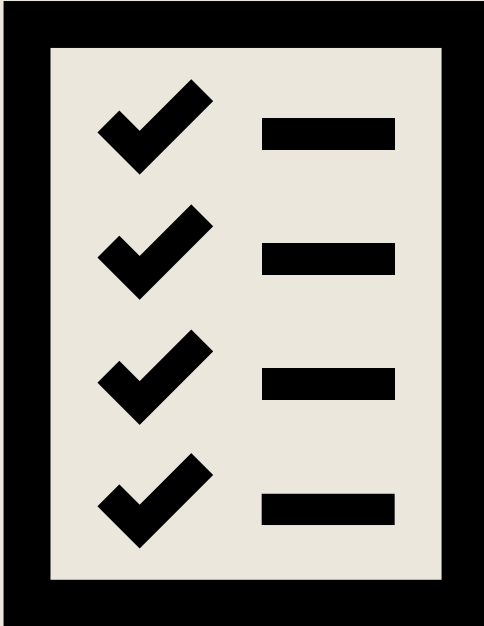
- Promote remote work to the fullest extent possible
- Restrict business-related travel for employees to essential travel only
- Encourage employees to use PPE and hand sanitizer on public transportation

As well as....

- Provide non-medical grade face coverings to their employees (medical grade masks reserved for health care professionals, for now)
- Keep workers 6ft apart to the maximum extent possible, and use ground markings, signs, and barriers where appropriate
- Require face coverings when employees cannot be 6ft apart, and consider face shields if workers cannot consistently maintain 3 ft of separation



Continued...

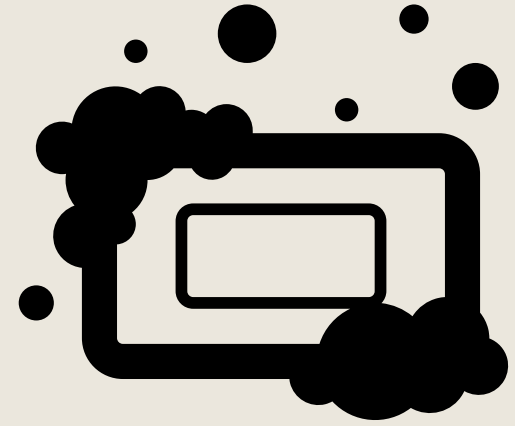


- Provide trainings that cover:
 - *workplace infection-control practices*
 - *proper use of PPE*
 - *how to notify operations of COVID-19 symptoms or confirmed diagnosis*
 - *how to report unsafe working conditions*

- Daily self-screenings for all employees or contractors entering the workplace, including a questionnaire covering symptoms at minimum

Businesses must also:

- Increase facility cleaning, especially on high-touch surfaces and shared equipment.
- Adopt protocols to disinfect facilities in the event of positive COVID-19 case in the workplace
- Make cleaning supplies available to employees, and provide time for them to wash hands frequently or use hand sanitizer
- Adopt any additional infection-control measures that are reasonable in light of the work performed and the rate of infection in the surrounding community



- **When an employee is identified with a confirmed case of COVID-19:**
 1. immediately notify the local public health department
 2. within 24 hours, notify co-workers, contractors, or suppliers who may have come in contact with the diagnosed employee
- An employer will allow employees back into the workplace only after they are no longer infectious according to the latest CDC guidelines, and they are released from any quarantine or isolation by the local health department
- Follow Executive Order 2020-36, and any that follow, that prohibit discharging, disciplining, or retaliating against employees

Additionally, operations whose work is primarily performed outdoors, must:



- Prohibit gatherings of any size where people cannot maintain 6ft of distance
- Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any interaction where people cannot maintain 6ft of distance
- Provide and require the use of PPE as appropriate for the job being performed (gloves, face shields, coverings, etc)
- Adopt protocols to limit the sharing of tools to the maximum extent possible, and ensure frequent and thorough disinfection

Retail stores that are open for in-store sales (as well as libraries and museums):



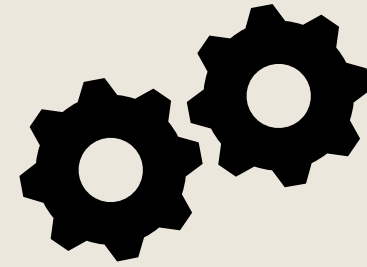
- Stores <50,000 sq. ft: limit people in store (including staff) to 25% capacity
 - *Stores >50,000 sq. ft: Limit customers (excluding staff) to 4 people per 1,000 sq. ft*
 - *Establish lines to regulate entrance as well as install physical barriers at any service points that require interaction as appropriate (plexiglass barriers, tape markers, etc..)*
- Post signs at store entrance(s) instructing customers of their legal obligation to wear a face covering when inside and to not enter if they are, or recently have been, sick
- Establish enhanced cleaning and sanitizing protocols for high-touch areas (like restrooms, credit-card machines, keypads, counters, carts, and other surfaces)
- Additional training on cleaning procedures and how to manage symptomatic customers
- Employees must be notified if an individual (customer or supplier) with a confirmed COVID-19 case visits the store

Restaurants and Bars:



- Limit capacity to 50% of normal seating and require 6 ft of separation between groups at different tables or bar tops
- Close waiting areas and self-serve food or drink options (buffets, salad bars, etc...)
- Post signs at entrance(s) instructing customers not to enter if they are or recently have been sick, and of their obligation to wear a face covering until they get to their table
- Additional training on use of PPE, food safety protocols, and how to manage symptomatic customers
- Require hosts, servers, and staff to wear face coverings in the dining area
 - *Must wear face coverings and gloves in the kitchen area when handling food*
- Limit shared items between customers and clean high-contact areas after each customer
- Employees must be notified if an individual (employee, customer, or supplier) with a confirmed COVID-19 case visits the store

Manufacturing:



- Create dedicated entry point(s) at every facility for daily screening (including barriers to prevent bypassing screenings) and suspend any non-essential in-person visits
- Additional training on COVID-19 transmission routes, distance the virus can travel in the air as well as it's viability time, and the use of PPE (properly putting it on and taking it off)
- Implement rotational shift schedules where possible and stagger meal/ break/ start times
- Create protocols for minimizing personal contact upon delivery of materials, and adopt protocols to limit sharing of tools/ equipment to the maximum extent possible
- Send potentially exposed individuals home upon positive identification of COVID-19 case and shut down affected areas of the facility for cleaning and disinfection
- Notify plant leaders/ potentially exposed individuals of positive COVID-19 case in facility
 - *Maintain central log of symptomatic employees/ positive tests*
 - *Employees must self-report to plant leaders as soon as possible if they develop symptoms*

Outpatient health-care facilities:



(clinic, primary care or dental offices, and veterinary clinics)

- Post signs at entrance(s) requiring face coverings when inside (except when necessary for identification/ procedure) and provide hand sanitizer/ face coverings
- Limit waiting-area occupancy to those who can be present while maintaining 6ft of distance, and mark waiting rooms to enable social distancing
- Conduct common screening on all patients (including temperature check and symptoms)
- Install physical barriers at sign-in, temperature screenings, and other service points
- Employ telehealth/ telemedicine to the maximum extent and enable contactless sign-in
- Deep clean examination rooms after patients with respiratory problems, and clean rooms between all patients; in accordance with CDC guidance
- Limit the number of appointments to maintain social distancing and add special hours for vulnerable patients

In-home services

(cleaners, repair persons, painters, etc...)

- Limit direct interaction to electronic means whenever possible
- Prior to entering home, inquire about COVID-19 diagnosis, symptoms, and contact in the home (if so, must reschedule)
- Gloves should be worn when practical
- Limit the number of employees in the home
- Maintain accurate records about appointments, date and times, and names to aid in contact tracing



Barbering, Cosmetology, Body art, Massage, and Personal-care Services:

- Post signs at entrance(s) asking customers to not enter if they are or recently have been sick
- Limit waiting area occupancy to maintain 6ft in distance, and mark them
- Require employees and customers to wear a face covering (unless receiving service that requires removal- employees must then wear face shields/ goggles too)
- Discard magazines and other nonessential shared items that cannot be disinfected
- Install physical barriers at cash registers



Protections against Discrimination

Federal and State workplace anti-discrimination laws are still in place, e.g.

- After making a conditional job offer, an employer may screen job applicants for symptoms of COVID-19, as long as it does so for all entering employees in the same type of job.
- An employer may *not* withdraw a job offer because someone is in a high risk category (i.e. 65 or older, or pregnant)
- An employer may screen workers before entering the workplace, based on COVID-19 symptoms identified by the CDC, local health authorities and reputable medical sources

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

MIOSHA Enforcement

Employers and employees with questions regarding workplace safety and health may contact MIOSHA hotline 855-723-3219 or make a [MIOSHA complaint online](#).

[MIOSHA COVID-19 Interim Enforcement Plan](#)

(Issued April 15, 2020)

[MIOSHA Workplace Guidelines, New Hotline to Protect Michigan Workers](#)

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC OPPORTUNITY

Michigan Occupational Safety and Health Administration (MIOSHA)

Safety and Health Hazards Complaint Form

It is unlawful to make any false statement, representation or certification in any document filed pursuant to the Michigan Occupational Safety and Health Act of 1974, as amended. Violators can be punished by a fine of not more than \$10,000, or by imprisonment of not more than six months, or by both (Section 35(7)).

* = Required Fields

Establishment Information

GENERAL INDUSTRY SAFETY and HEALTH

CONSTRUCTION SAFETY and HEALTH

* Establishment Name:

BUSINESS SITE ADDRESS

MIOSHA Retaliation Protections

- Workers can file a [discrimination complaint](#) if an employer has discriminated against them for exercising any employee rights established under the MIOSHA Act or for refusing to work when faced with an imminent danger situation which could reasonably be expected to cause death or serious physical harm immediately or before the danger can be eliminated through enforcement procedures.
- Call MIOSHA Employee Discrimination Section **within 30** days of the date of occurrence at 313-456-3109.

MIRC's COVID-19 Resources

<https://michiganimmigrant.org/coronavirus/resources>

Home » COVID-19 Updates and Information

COVID-19 Resources

- [Can I be evicted during the COVID-19 crisis in Michigan? - English](#)
- [COVID-19 Michigan Travel Letter Template - English/Spanish](#)
- [COVID-19 Migrant Camp Rights - English](#)
- [COVID-19 Travel for Essential Workers in Michigan - FAQ for Immigrants & Encounters with Law Enforcement - English](#)
- [Economic Impact Payment Q&A - CARES Act - English](#)
- [Expansion of Michigan Unemployment Benefits Due to Coronavirus - English](#)
- [Extension of Status for B1/B2 Visa Holders During COVID-19 - English](#)
- [Farmworker Workplace Health and Safety during COVID-19 - English](#)
- [Non-citizens Eligibility for Michigan Unemployment Insurance – English](#)

**For questions
and concerns,
call the free and
confidential
Farmworker &
Immigrant
Worker Hotline
at:**

800-968-4046

