



Coronavirus: Know Your Rights for Farmworkers
MIOSHA COVID-19 Workplace Emergency Rules
November 16, 2020



On October 14, 2020, Michigan Occupational Health and Safety Administration (MIOSHA) implemented emergency COVID-19 safety requirements for all workplaces. The following emergency guidelines apply to all employers, including agricultural employers, and remain in effect at least until April 14, 2021. If your employer fails to do any of the following, you can file a complaint with MIOSHA. If you are an agricultural worker and would like free assistance from an attorney prior to filing a complaint, call FLS and MIRC at 1-800-968-4046.

Implement a COVID-19 Preparedness and Response Plan

- ✓ Your employer must create and implement a Preparedness and Response plan that is readily available for employees to view either as a hard copy or online
- ✓ Your employer must identify and minimize risks by taking at least the following measures to reduce exposure:
 - install physical barriers to shield workers from COVID-19 exposure
 - implement policies, procedures, and practices to limit exposure
 - implement staggered work schedules, allow remote work, or increase other social distancing measures
 - regularly clean and disinfect surfaces and equipment,
 - Ensure access to hand washing facilities and hand hygiene,
 - implement screening protocols to identify COVID-19 cases at the beginning of shifts and procedures for employees to report any symptoms of COVID-19
 - provide COVID-19 prevention training to employees, including steps to report signs and symptoms of COVID-19 and other COVID-19 prevention plans
- ✓ Your employer must identify a COVID-19 coordinator to remain on-site at all times when employees are present to implement, monitor, and report on workplace safety strategies

Questions?
Call us at
(800) 968-4046

Workplace Procedures for Sick Employees

- ✓ Require employees to report positive COVID-19 test results or if experiencing any symptoms of COVID-19
- ✓ Require employees to self-isolate and not return to work until CDC requirements are met
- ✓ Inform employees of possible workplace exposure without disclosing your personal medical information
- ✓ Your employer may not retaliate against you for taking time off due to COVID-19 exposure or illness.
- ✓ You may be entitled to sick leave pay from your employer or eligible for payments through unemployment, the Community Action Agency, Telamon, or other sources. If you are an agricultural worker who is not being paid while off from work due to COVID-19, contact FLS or MIRC for guidance on what payments may be available.
- ✓ If you contract COVID-19 in the workplace, you may have a claim for workers compensation. Call the FLS/MIRC hotline for additional consultation.

American with Disabilities Act (ADA) Protections for Sick Employees

- ✓ Your employer cannot apply COVID-19 precautions differently against you because of your race, national origin, sex, or age.
- ✓ Employers cannot require antibody testing
- ✓ Your employer can not ask specifically about whether your family members have COVID-19 or have been exposed, but can ask generally about your exposure to others known to have COVID-19 or related symptoms
- ✓ Employers must keep all medical information about employees confidential and should try to limit sharing your name with only the health department if you test positive for COVID-19



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Filing a MIOSHA complaint if your employer is not complying with the MIOSHA Workplace Emergency Rules

- ✓ Filing a complaint may not only protect you individually, but could help create a safer work environment for your co-workers as well.
- ✓ File a complaint online at the MIOSHA website or by mailing/faxing the complaint form. Complaint procedures and forms are available [here](#).
- ✓ MIOSHA does not typically take complaints over the phone but will answer questions or discuss your complaint at 800-866-4674
- ✓ Complaints can be filed anonymously. Contact FLS or MIRC to discuss your options for filing a complaint that will keep your identity confidential from your employer.