

**Testimony in Support of SB486  
Labor and Employment – Employment Standards During and Emergency (Maryland  
Essential Workers’ Protection Act)  
February 11, 2021**

**To:** Hon. Delores Kelley, Chair, and members of the Senate Finance Committee  
**From:** Michael Wilson, Executive Assistant to the President  
United Food and Commercial Workers Union, Local 400

Chair Kelley and members of the Senate Finance Committee, I appreciate the chance to share my testimony on behalf of our over 10,000 members in Maryland, working on the front lines of the ongoing pandemic in grocery, retail, food distribution, law enforcement, and health care.

**We strongly support SB 486 and urge you to vote it favorably.** At the beginning of this pandemic, our members were told they were heroes and essential. Many employers put in place additional safety measures and some even agreed to hazard or “hero” pay, both to show appreciation for the risks our members were taking by going to work, but also because many of them were seeing unprecedented increases in revenue and profits. Unfortunately, as time has gone on, employers have scaled back or eliminated additional pay and instead used the profits they are making, while our members and other continue to put themselves at risk, to buy back shares, reward executives, and invest in capital and technology. Many have also scaled back their safety policies and the enforcement of policies they still claim to have in place. It has become clear that many of them would rather make a sale than keep employees and customers safe by enforcing basic measures like social distancing and reasonable caps on the number of customers and employees in a store.

When employers will not do the right thing, we need to compel them to act. This bill puts in place some common-sense minimum standards to protect workers who have always been essential but did not sign up to be sacrificial. Among Local 400 membership alone, we have had 565 members in Maryland diagnosed with COVID-19 and three have passed away. This does not include illnesses and deaths at the many non-union employers in our jurisdiction, which includes Montgomery, Prince George’s, Charles, Calvert, and St. Mary’s Counties, as well as the Annapolis Police Department and Giant’s Delivery warehouse in Anne Arundel County

Every aspect of this bill is key to keeping our members as well as their families and communities safe which, with COVID-19 still spreading uncontrolled, will save lives. We have been able to work with our represented employers on many of these issues, but we need a

level playing field, certainty that employers cannot remove protections, and clearly, non-union workers deserve these protections as well.

When you go to work it is the responsibility of your employer to provide a safe workplace. Unfortunately, with the lack of guidance and enforcement from both state and federal safety and health agencies, many workers have no recourse if their employer has chosen not to create protocols and provide appropriate Personal Protective Equipment (PPE) or other safety equipment. This bill would require real safety and emergency action programs that employees can see and make sure employers are providing the correct PPE and other equipment to keep people safe. If an employer is not keeping an employee safe, the employee would be able to refuse the assignment, without retaliation, which would spark an investigation from Maryland Occupational Safety and Health.

When the pandemic started many employers provided “hero” or hazard pay, both in recognition of the fact that employees were taking increased risk whenever they went to work, but also because their profits were increasing to levels never seen before. As time has passed, almost every employer has taken that pay away, despite the continued risk, and the continued profit. This bill would mandate that as long as the hazard continues, the hazard pay will continue, which is only fair to people who did not sign up to put their lives, and the lives of their families, at risk every time they go to work.

Maryland has a strong earned sick leave law that covers most employees in most circumstances, unfortunately if you are diagnosed with COVID-19 or required to quarantine, you will likely need to be out of work for 14 days, more than the law, and many employers, currently provide. Federal law changes only covered a small number of employers and employees. The only way to keep people safe, slow the spread, and end this pandemic, is to make sure people do not have to choose between staying home when they are sick and providing for themselves and their families. This bill will require employers to provide the sick time people need.

There has been no standardization on who is told when an employee tests positive at a work site. This has led to a situation where a worker may not know that a co-worker they were in contact with tested positive. Employers are supposed to do contact tracing, but when people do not know about a positive case, that is difficult. It is also nearly impossible for consumers to make informed decisions about safety when they go out if there are potentially unreported outbreaks. Mandatory reporting by employers when someone tests positive, along with free testing is necessary to keep Marylanders safe.

This pandemic has been impacting all of us for nearly a year now. It is time to take the lessons we have learned and correct the problems that have led this virus to continue to spread uncontrollably, and disproportionately impact those of us who cannot work from home. This bill cannot go into effect soon enough for our members and others who have suffered needlessly because some employers have not done the right thing, but it can keep people safe and save lives going forward.

To keep our members and all Marylanders safe, we urge you to vote favorably on SB 486 without any weakening amendments. Thank you.