



Testimony on SB486
Maryland Essential Workers Protections Act
Position: FAVORABLE

Dear Madam Chair and Members of the Finance Committee:

My name is Ricarra Jones, and I am the Political Director with 1199SEIU- the largest healthcare union in the nation, where we represent over 10,000 healthcare workers in Maryland and the District of Columbia. To date, **Maryland has lost over 7,000 residents due to COVID-19, and over 350,000 Marylanders have contracted this deadly virus.** According to the Maryland Department of Health, the worksite is a primary location for COVID-19 contraction. This virus has not only impacted healthcare workers across the state, but all essential workers that put their lives at-risk every day to serve the public. For this reason, state must pass the Maryland Essential Workers Protection Act.

The caregivers represented by 1199 are not only falling ill themselves – they are feeling the strain upon our healthcare delivery system as essential workers across industries are unnecessarily falling ill because they are reporting to unsafe workplaces. Every day essential workers are conducting their work at a worksite where their employers have failed to provide sanitary environments or PPE, resulting in workers contracting COVID-19.

We have all heard about the devastation of COVID in our nursing homes, and to date 28 staffer in those settings have died. Other industries have not been spared, and we believe that too many examples exist where workers' illnesses were preventable. For example, as reported by the Baltimore Sun, on the Eastern Shore of Maryland **262 poultry workers contracted COVID-19** due to the lack of safety measures where workers reported to work despite feeling ill, standing shoulder to shoulder, and crowding around in break rooms.¹

From both a worker's and a public health perspective, we believe that it is critical to mandate that employers provide the safe working conditions that are outlined by the CDC and OSHA. Furthermore, we do not believe that requiring an employer to have an emergency action plan places an undue burden on that employer. Workers have the right to know how their employer plans to adhere to existing safety guidance in order to address

¹<https://www.baltimoresun.com/coronavirus/bs-md-salisbury-coronavirus-poultry-trump-stay-open-perdue-20200429-n5q3ti466rg63idn5ir2xumylm-story.html>

dangers on the job, whether that is in the provision of PPE, enhancement of sanitation procedures, or the enacting of barriers and social distancing measures.

The problem for workers, is that agency guidance's have not been enforceable, and our current regulatory tools – such as inspections – are proving to be inadequate. For example, in October it was reported that MOSH had only conducted 30 inspections out of 492 complaints received since March. Moreover, nearly 1/3 of those cases were referred to county health departments where they lack the resources to take appropriate action.²

Given the challenges presented with our existing regulatory infrastructure, the right to refuse dangerous work – as already defined by the CDC and OSHA -is key to keeping workers and communities safe. A Washington Post poll surveying over 8000 workers found that, **6 in 10 Americans working at an essential worksite feared that they may bring COVID-19 home.**³

Workers must also have a right to not put their lives in danger. The right to refuse dangerous work without retaliation will allow workers to no longer fear risking their lives is an important component of halting the spread COVID-19 to their families and communities. As labor representatives, we know that retaliation is a measurable fear. Based on a survey conducted by the National Employment Law Project (NELP), **1 in 8 workers perceived possible retaliation by their employer is they spoke up about working conditions.** Black workers were twice as likely report retaliation and twice as likely to report unresolved COVID-related concerns at work.⁴ Another NELP study found only 2 % of retaliation complaints were resolved by OSHA.⁵

Lack of hazard pay for essential workers in Maryland exacerbates the challenges they face. Quite simply, the cost of being an essential worker during a pandemic is higher than ever. Food purchases and other quarantine-related expenses have risen as a result of children being home. Childcare costs have skyrocketed with school buildings shut down. Moreover, transportation costs have also increased for essential workers, many of who now depend on rideshare options such as Uber or Lyft to get to work. Essential workers are taking on additional shifts because of staff shortages across industries. In sum, it costs more today to be a frontline/ essential worker than it did before the pandemic and these expenses must be met with hazard pay.

Meanwhile, as workers struggle, many sectors of our economy are thriving.

² <https://www.baltimoresun.com/politics/bs-md-mosh-complaint-20201021-vhclwearf5ejhi3imohqbeoo6m-story.html>

³ https://www.washingtonpost.com/national/a-majority-of-americans-going-to-work-fear-exposing-their-household-to-the-coronavirus/2020/05/15/d316f1e8-9578-11ea-9f5e-56d8239bf9ad_story.html

⁴ <https://www.nelp.org/publication/silenced-covid-19-workplace/>

⁵ <https://www.nelp.org/news-releases/osha-closed-half-worker-retaliation-complaints-pandemic-without-investigating/>

Maryland's hospital systems received \$1.2 billion in CARES ACT funding while CARES Act grants to all healthcare providers totaled \$2 billion.⁶ Throughout this pandemic, Maryland companies also received 1.9 billion in loan relief through agencies such as the Federal Reserve, Small Business Association, and the Treasury Department.⁷

Profits in the retail and grocery sector have skyrocketed. According to a report by the Brookings Institute, profits from large retail companies- **including Walmart, and Target- have all soared in an excess of 16.7 billion compared to last year**, while essential workers have seen little of this payout.⁸ Some of these retail companies offered "hero" pay to these workers early on during the pandemic – however all of this pay was phased out by the end of the summer.

Meanwhile, these same companies have since reported \$7 billion in stock buybacks, off the backs of their workers. While we cannot ever put a price tag on the life of any worker, but we can provide them with the hazard pay they need to survive.

Healthcare providers have the highest risk of exposure due to COVID-19 coupled alongside grocery store workers who are less likely to have paid sick leave, or the financial means to take time off if they feel ill. We support the quarantine leave provided by this bill for workers to use to mitigate the kind of community spread that is impacting our healthcare delivery system. At the start of the pandemic, the CDC recommended that an individual who has or experiences symptoms of COVID-19 quarantine for two weeks to avoid spreading COVID-19. This effort helped slow down the spread of COVID-19 but some workers also contracted COVID-19 multiple times and have exhausted their personal leave. This has left workers to either reporting to work while sick or forcing them to take unpaid sick leave.

We also can say with certainty that any bolstering of sick leave prevents community spread. One recent Cornell study found that **the sick leave created under last years federal Families First Coronavirus Relief Act, for business with under 500 employees, reduced COVID-19 transmission by 400 confirmed cases per state per day.**⁹

According to the Kaiser Family Foundation there **are nearly 300,000 uninsured Marylanders**, many are adults who work essential jobs. We support the necessary relief this bill provides by opening the Maryland healthcare exchange during an emergency pandemic.

One of the last major provisions in this bill is the notification of test results. We believe that this benefits both employers and employees. In practice, this measure would require employers to notify other workers of positive COVID cases, and this would assist in decreasing COVID-19 transmissions.. Furthermore, this measure also allows the Maryland Department of Health to collect this information to keep COVID-19 data by industry to monitor the overall spread of this or any other pandemic.

⁶ See: <https://data.cdc.gov/Administrative/HHS-Provider-Relief-Fund/kh8y-3es6>

⁷ See <https://data.covidstimuluswatch.org/prog.php>

⁸ <https://www.brookings.edu/essay/windfall-profits-and-deadly-risks/>

⁹ <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00863>

For these reasons, we believe that this Act will create the necessary protections that all essential workers need at a worksite to remain safe and healthy during the COVID-19 pandemic and any other future pandemics. We respectfully ask this Committee for a favorable report in supporting the Maryland Essential Workers Protections Act.

Respectfully,

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