

Congress of the United States
Washington, DC 20510

April 27, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Democratic Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
2468 Rayburn Housing Office Building
Washington, D.C. 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

We write to request that any future COVID-19 pandemic legislation include an Essential Workers Bill of Rights that includes necessary protections and benefits for the essential workers who remain on the job, keeping us safe and healthy during this public health emergency.

Essential workers are on the frontlines of this pandemic, and many are working in high-risk conditions without appropriate equipment, safety standards, or job protections. Workers who remain on the job without the ability to telework during this emergency include doctors, nurses, home care workers, and other healthcare workers, grocery store and drug store employees, domestic workers, food service workers, federal, state, and municipal employees, janitorial staff, farm workers, delivery drivers, postal workers, warehouse workers, transportation workers, and child care workers. These workers put their health on the line when they go to work every day.

Congress took important steps to protect workers in the CARES Act by enacting a historic expansion of the unemployment insurance program. The needs of all workers must be at the forefront of the next round of policymaking to address the coronavirus crisis, including keeping workers on payroll even when they must stay home.

But we must do even more to specifically address the needs of essential workers, who are the backbone of our nation's response to coronavirus. Reports indicate that these workers may be contracting COVID-19 at a higher rate than the general public.¹ Our nation has a responsibility to ensure essential workers have the protections they need, the rights they are entitled to, and the compensation they deserve. Furthermore, these protections must apply to all workers, no matter their industry, employer size, job type or immigration status, who do not have the ability to

¹ ACLU Massachusetts, "Data Show Covid-19 Is Hitting Essential Workers And People Of Color Hardest," April 8, 2020, <https://www.aclum.org/en/publications/data-show-covid-19-hitting-essential-workers-and-people-color-hardest>.

telework and whose job requires going to a worksite and interacting in person with colleagues or the public.

The next coronavirus relief package to pass Congress must include an Essential Workers Bill of Rights containing a comprehensive set of policies to protect frontline workers during this public health emergency.

These policies must include:

1. Health and safety protections. Every employee, including employees of contractors and subcontractors, should be able to do their job safely, which means having necessary amounts of personal protective equipment provided by employers at no cost to the employee. Employers should be required to take proactive actions when someone at the job site may have contracted coronavirus, including informing employees if they may have been exposed and evacuating the job site until it can be properly cleaned. And the Occupational Safety and Health Administration should be required to immediately issue a robust Emergency Temporary Standard to keep employees safe.

2. Robust premium compensation. Every worker should be paid a livable wage, and essential employees are no exception. During this pandemic, essential workers should also be paid robust premium pay to recognize the critical contribution they are making to our health and our economy. Premium pay should provide meaningful compensation for essential work, be higher for the lowest-wage workers, and not count towards workers' eligibility for any means-tested programs. It must be retroactive to the start date of the pandemic, and not used to lower the regular rate of pay for any employee.

3. Protections for collective bargaining agreements. Collective bargaining agreements must be protected from being changed or dissolved by employers during this crisis, including during bankruptcy proceedings. Workers' rights to vote for representation in a National Labor Relations Board election in a fair and safe manner must also be protected during the pandemic.

4. Truly universal paid sick leave and family and medical leave. Congress must pass Senators Patty Murray and Kirsten Gillibrand and Representatives Rosa DeLauro and Ayanna Pressley's *PAID Leave Act*, which provides 14 days of paid sick leave and 12 weeks of paid family and medical leave, so essential workers can care for themselves, family members, or dependents, without being required to submit unnecessary paperwork. And we must ensure that President Trump is not allowed to arbitrarily exclude workers to roll back these protections.

5. Protections for whistleblowers. Workers who witness unsafe conditions on the job or know about workplace coronavirus exposure must be able to openly identify their concerns and have them addressed, without fear of retaliation.

6. An end to worker misclassification. The pandemic has highlighted the longstanding problem of employers misclassifying workers as independent contractors in order to avoid providing the full suite of benefits and protections available to employees. At a time when too many essential workers are being denied basic employment protections, Congress should crack down on worker

misclassification.

7. Health care security. All essential workers should get the care they need during this crisis, including those who are uninsured or under-insured, regardless of their immigration status. We must use public programs to provide no-cost health care coverage for all, as quickly as possible. Congress should also listen to workers who have called for a full federal subsidy for fifteen months of COBRA for employees who lose eligibility for health care coverage.

8. Support for child care. At a time when child care providers across the country are closing their doors and struggling to survive the pandemic, Congress must commit robust funding to help these providers and ensure essential workers have access to free, reliable, safe, healthy, and high-quality child care.

9. Treat workers as experts. Any time a public health crisis hits, the government should work with employers and workers to craft a response and set safety and compensation standards. Essential workers, and their unions and organizations, must be at the table in developing responses to coronavirus - from determining specific workplace safety protocols to helping develop plans for distributing personal protective equipment to holding seats on the White House Coronavirus Task Force.

10. Hold corporations accountable for meeting their responsibilities. Congress should ensure that any taxpayer dollars handed to corporations go to help workers, not wealthy CEOs, rich shareholders, or the President's cronies. That means taxpayers and workers should have a stake in how funds are used and companies should be required to use funding for payroll retention, put workers on boards of directors, and remain neutral in union organizing drives. CEOs should be required to personally certify they are in compliance with worker protections, so they can face civil and criminal penalties if they break their word. And any federal funding should be designed to ensure that employers cannot skirt the rules by firing or furloughing workers or reducing their hours or benefits in order to access a tax credit or avoid a worker protection requirement.

Sincerely,

Elizabeth Warren
United States Senator

Ro Khanna
Member of Congress

Kirsten Gillibrand
United States Senator

Cory A. Booker
United States Senator

Mazie Hirono
United States Senator

Bernard Sanders
United States Senator

Kamala D. Harris
United States Senator

Amy Klobuchar
United States Senator

Edward J. Markey
United States Senator

Chris Van Hollen
United States Senator

Jan Schakowsky
Member of Congress

Mark Pocan
Member of Congress

Joaquin Castro
Member of Congress

Jesús G. “Chuy” García
Member of Congress

Rashida Tlaib
Member of Congress

Eleanor Holmes Norton
Member of Congress

Dwight Evans
Member of Congress

Andy Levin
Member of Congress

Adriano Espaillat
Member of Congress

Ayanna Pressley
Member of Congress

Alcee L. Hastings
Member of Congress

Joe Courtney
Member of Congress

Alan Lowenthal
Member of Congress

Raúl M. Grijalva
Member of Congress

Yvette D. Clarke
Member of Congress

Deb Haaland
Member of Congress

Bonnie Watson Coleman
Member of Congress

Joseph P. Kennedy, III
Member of Congress

Nydia M. Velázquez
Member of Congress

Sheila Jackson Lee
Member of Congress

Lucille Roybal-Allard
Member of Congress

Jamie Raskin
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Joe Neguse
Member of Congress

Jerrold Nadler
Member of Congress

Pramila Jayapal
Member of Congress

Linda T. Sánchez
Member of Congress

Darren Soto
Member of Congress

Grace F. Napolitano
Member of Congress

Anthony Brown
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Debbie Dingell
Member of Congress

Rosa DeLauro
Member of Congress

Barbara Lee
Member of Congress

Steven Horsford
Member of Congress

André Carson
Member of Congress

Jahana Hayes
Member of Congress

Veronica Escobar
Member of Congress

Mark Takano
Member of Congress

Ilhan Omar
Member of Congress

Chellie Pingree
Member of Congress

Judy Chu
Member of Congress

Brendan F. Boyle
Member of Congress

James P. McGovern
Member of Congress

Steve Cohen
Member of Congress

Danny K. Davis
Member of Congress

Filemon Vela
Member of Congress

Ted Lieu
Member of Congress