



The United Food and Commercial Workers International Union (UFCW) is the nation's largest private sector union. Our 1.3 million members work in grocery and retail stores, pharmacies, healthcare facilities, and in the food processing, and meatpacking industries in every U.S. state, Canada, and Puerto Rico. Food workers are on the frontlines of the COVID-19 pandemic and have been risking their health and safety to ensure that our nation's food supply is safe, grocery store shelves are stocked, and pharmacies are distributing medication. Food workers deserve adequate protection and provision for their health, safety, and financial security.

The Occupational Safety and Health Administration (OSHA), must issue an emergency temporary standard (ETS) to protect all workers at potential risk of occupational exposure to infectious diseases, including COVID-19. This temporary standard must protect workers from an occupational hazard that is spread primarily via respiratory droplets and small aerosolized particles containing the SARS-CoV2 virus.

**For meatpacking, poultry, and other food production workers:**

- Improve ventilation.
- Slow down line speeds and/or lengthen production lines to enable proper distancing between production workers.
- Require face masks for all persons inside of a plant.
- Require face masks that meet latest CDC recommendations for face masks.
- Assess workplace specific risks for COVID-19 and implement controls to reduce these risks
- Expand locker rooms, break rooms, and cafeterias to allow spacing of workers in these common areas.
- Stagger shifts and breaks to reduce the number of workers in common spaces at any one time.
- Conduct contact tracing and notify workers who have been exposed to a COVID-19 infected co-worker or person from management, within 24 hours of exposure and provide access to testing.
- Notify employee representatives of positive COVID-19 cases and of results of contact tracing, while maintaining confidentiality.
- Develop and provide training in all appropriate languages spoken by workforce.
- Identify and isolate workers and members of management who either are infected with COVID-19 or have symptoms of infection.
- Evaluate sick leave and other leave policies to ensure workers who need to be away from the workplace due to COVID-19 issues, can do so, without fear of retaliation or losing his or her job and benefits.
- Develop COVID-19 plans with worker participation.

**For grocery store workers:**

- Improve ventilation.
- Limit occupancy inside of grocery stores.
- Require face masks for all workers, members of the public, and all others who enter the store (i.e. vendors, contractors.)
- Assess workplace specific risks and implement controls to reduce risks.

- Conduct contact tracing and notify workers who have had exposure to a COVID-19 infected co-worker or person from management, within 24 hours of exposure.
- Provide access to testing.
- Notify employee representatives of positive COVID-19 cases and results of contact tracing.
- Identify and isolate workers and members of management who either are infected with COVID-19 or have symptoms of infection.
- Evaluate sick leave and other leave policies to ensure workers who need to be away from the workplace due to COVID-19 issues, can do so, without fear of retaliation or losing his or her job and benefits.
- Develop and deliver training in languages understood by workforce.
- Develop COVID-19 control plans with work participation.

### **COVID-19 is airborne**

COVID-19 is primarily an airborne transmissible disease and the SARS-CoV-2 virus is spread primarily by respiratory droplets and small particles carried in the air, i.e. aerosol transmission. Surface or contact transmission is not recognized to be a primary route of transmission. Employers should use methods to control and eliminate the hazard that are based upon the principle of hierarchy of controls for airborne diseases.

### **An OSHA ETS that protects essential frontline workers in grocery, meat processing, poultry, and food processing will include:**

- 1) Written COVID-19 Infection Control Plan
- 2) Hazard Assessment
- 3) Hazard Controls
- 4) COVID-19 Hazards Reporting Requirements
- 5) Testing Requirements
- 6) COVID-19 case log and recording
- 7) Employee medical removal and benefits
- 8) Contact Tracing
- 9) Training
- 10) Employee Participation

### **Detail of an OSHA ETS that will protect workers in grocery and meat processing:**

#### **1.) Written COVID-19 Infection Control Plan**

Employers shall establish, implement, and maintain an effective, written COVID-19 infection control plan. The plan shall be available to workers and worker representatives. A responsible individual overseeing implementation of the plan shall be assigned by the employer and shall be made known to workers and worker representatives.

#### **2.) Hazard Assessment**

The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.

#### **3.) Hazard Controls**

The written COVID-19 infection control plan shall include specific control measures for each operation or work area in which occupational exposure occurs. These measures shall be based upon the hierarchy of controls in the following manner: applicable

engineering, administrative and work practice controls, cleaning and disinfection procedures, and respiratory PPE.

- a. Engineering controls: Ventilation
  - i. Work with qualified HVAC experts and knowledgeable HVAC technicians to install and assess ventilation and air-handling systems that address the SARS-CoV-2 virus and eliminate or reduce COVID-19 disease related hazards.
  - ii. Comply with applicable ventilation standards, including American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards.
  - iii. Maximize outdoor air and minimize recirculating air.
  - iv. **In Meatpacking, Poultry and Food Production plants configure or redesign workstations / production lines, to space workers further apart. Reduce Line speeds to allow for workers to be spaced 6 apart on production lines.**
  - v. Add break rooms, expand locker rooms, redesign how people congregate in hallways, redesign these shared spaces to give more distancing between workers.
- b. Administrative and work practice controls
  - i. Stagger shifts; add work shifts
  - ii. Stagger lunch / meal breaks
  - iii. Put limits on how many people can be in the locker room / break rooms/cafeterias at any one time.
  - iv. **In grocery stores and supermarkets limit the number of customers and non-employees in workplaces open to the public.**
- c. Cleaning and disinfection procedures
- d. Respiratory PPE
  - i. **Face masks.** Recognize that face masks are source controls, not respiratory protection. If a worker or other individual is infected, and is asymptomatic, but has not been identified as infected, the face mask reduces the amount of virus that the person is putting into the air. It protects other workers and individuals from someone who is or may be infected.
    1. Face masks must be worn by everyone inside of the workplace, including the public who enters grocery stores, and other public places.
    2. Face masks must meet certain standards:
      - a. Cover the nose and mouth and fit snugly but comfortably against the side of the face.
      - b. Secured with ties or ear loops.
      - c. Include 2 or 3 layers of tightly woven fabrics, such as cotton and cotton blends which for breathing without restriction.
    3. The employer must replace face masks as needed by the worker at no cost to the worker, and when the mask becomes wet, damaged, or contaminated.
    4. Face shields are not a replacement for face coverings, although they may be worn over a face covering as additional protection.
  - ii. **Respiratory protection** shall be provided to workers who want to, voluntarily, wear a respirator in meatpacking, poultry, food production and grocery store workers. The employer will comply with requirements in the OSHA respiratory protection standard. 1910.134.

1. While respiratory protection is not typically worn by workers in meatpacking , poultry, or grocery stores, there are areas of the plant or workplace in which the company will simply not be able to control exposure to the hazard through engineering controls, or administrative / work practice controls, in which case, the principle of the hierarchy of controls shall be applied. Where workers want to use respirators, employers should allow workers to use respirators, and comply with requirements of 1910.134.

#### **4.) Reporting COVID-19 hazards:**

- a. Ask employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace.
- b. Remove all disincentives and/or punitive policies which may discourage employees from reporting COVID-19 infection, symptoms, possible COVID-19 exposures, or possible COVID-19 hazards at the workplace.
- c. Describe procedures or policies for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness.
- d. Provide information about access to COVID-19 testing. Where testing is required, the employer shall inform affected employees of the reason for the COVID-19 testing and the possible consequences of a positive test.
- e. Communicate all procedures and policies in languages that employees understand.

#### **5.) Testing**

- a. Provide access to COVID-19 testing at no cost to employees.
- b. Employers shall recommend and offer COVID-19 testing to all employees who had a potential COVID-19 occupational exposure or have reported COVID-19 symptoms. The testing shall be provided during working hours and be reasonably easy to access by employees. If possible, offer testing on the work site premises.
- c. Provide paid leave for employees to receive COVID-19 testing when testing is required or deemed appropriate and testing is not done at the work site.
- d. Remove all disincentives or punitive policies for workers who request a test or who are required to be tested.

#### **6.) COVID-19 case log / Recording COVID-19 cases**

- a. The employer shall keep a record of and track all COVID-19 infections, and COVID-19 deaths experienced by employees. Medical information shall be kept confidential.
- b. The case log information shall be made available to employees, and authorized employee representatives, with personal identifying information removed.
- c. Employers shall comply with OSHA recordkeeping requirements, 29 CFR 1904. Work-related COVID-19 cases, and fatalities shall be recorded on OSHA 300 logs. OSHA 300 logs and OSHA 300A shall be made available to employees, and employee representatives, as per 1904.
- d. Employers shall establish a system to receive reports of a COVID-19 case or suspected COVID-19 case by employees, subcontractors, contract employees, and temporary employees.
- e. All fatalities and in-patient hospitalization of one or more employees, resulting from occupational exposure to SARS-CoV-2, shall be reported to the Occupational Safety and Health Administration, as required in 1904.39.

## 7.) Medical removal and medical removal benefits:

- a. Employers shall ensure that COVID-19 cases, suspected COVID-19 cases, and employees with a COVID-19 exposure, are excluded from the workplace.
- b. Workers who appear to have COVID-19 [symptoms](#) upon arrival at work or who become sick during the day shall immediately be separated from others at the workplace and sent home. Provide workers with information on [where and how](#) they can receive SARS-CoV-2 testing without charge and receive medical treatment if needed. Inform employees of the importance of testing in protecting themselves, their families, their community, and their coworkers.
- c. Employers shall continue to maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to his or her former job status, as if the employee had not been removed from his or her job.
- d. Sick leave policies and policies related to missing work such as point programs, incentive policies, and all bonus programs related to attendance, shall be evaluated by the employer to ensure that no disincentives nor incentives exist in the policies that will prevent workers from staying away from work, due to COVID-19 related issues.
- e. Employers shall implement flexible leave policies and sick leave policies for workers who need to receive testing, isolate at home while awaiting test results, and who need to recuperate if they have COVID-19.

## 8.) Contact tracing

- a. Employers shall establish a system to receive reports of a COVID-19 case or suspected COVID-19 case by employees, subcontractors, contract employees, and temporary employees in the workplace.
- b. Employers shall notify the employer's own employees who may have been exposed, within 24 hours of discovery of the employees' possible exposure, while keeping confidential the identity of the person known to be infected with SARS-CoV-2 virus person in accordance with the requirements of the Americans with Disabilities Act (ADA) and other applicable federal laws and regulations.
- c. This information shall be provided, in addition to the affected employees, to the authorized employee representatives, keeping confidential the identity (identities) of the person(s) known to be infected with the SARS-CoV-2 virus.
- d. Testing shall be provided to, made accessible, to exposed employees at no cost, and on paid work time.

## 9.) Training

The employer shall provide effective training and instruction to employees that includes the following:

- a. The requirements of this standard.
- b. The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- c. The characteristics and methods of transmission of the SARS-CoV-2 virus.
- d. The operations and activities in the workplace, identified in the hazard assessment that present risks of exposure to SARS-CoV-2 and COVID-19 and the procedures for controlling them.
- e. PPE:
  - i. When PPE is required.
  - ii. What PPE is required.
  - iii. How to properly don, doff, adjust, and wear PPE.
  - iv. The limitations of PPE.
  - v. The proper care, maintenance, useful life, and disposal of PPE.

## **10.) Employee Participation**

- a. Employers shall develop and implement a written plan of action regarding the implementation of the employee participation required by this section.
- b. Employers shall consult with employees and their authorized representatives, including solicitation and obtaining input as to those situations in the workplace with occupational exposure on the conduct, development, implementation, and effectiveness of all aspects of the exposure determination and COVID-19 infection control plan required by the standard, ensuring employee participation is representative of the job tasks and COVID-19 exposures in the workplace.
- c. Employers shall provide to employees and their representatives access to hazard analyses, controls, and all other information required under this standard.
- d. Employers shall make available to affected employees and their authorized representatives all information required to be developed by this standard, including the plan, at any time in electronic and hard copy.