

# UE STEWARD

## FIRST LINE OF DEFENSE

UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA • FEBRUARY 2021

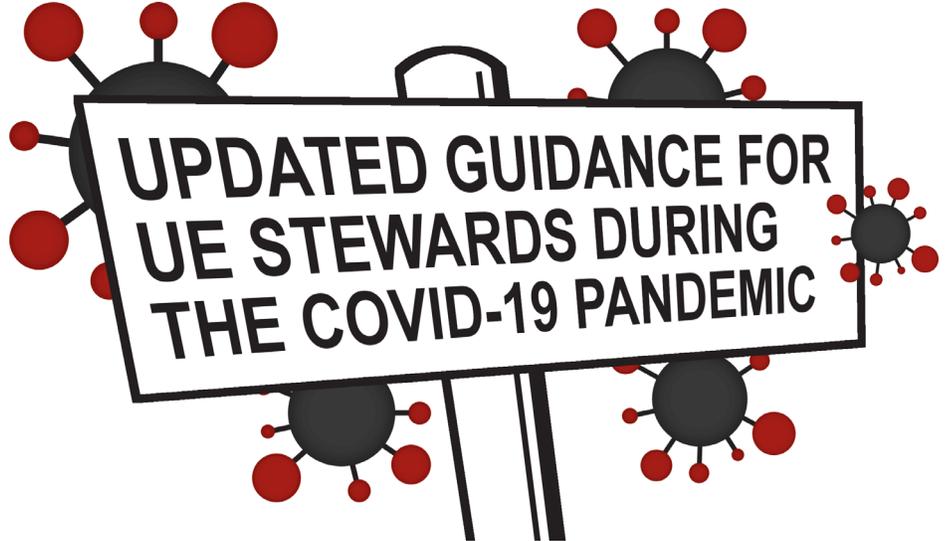
As the COVID-19 pandemic continues to plague our workplaces and communities, UE Stewards continue to be the first line of defense to keep our members informed and healthy. This second special edition of the *UE Steward* provides important updates based on what scientists report about the virus itself and on best practices developed at UE locals.

### **Physical Safety at Work**

Studies of COVID-19 show that the virus most commonly spreads during close contact with someone who has the virus, whether or not they have symptoms. This transmission occurs largely through respiratory droplets. The Centers for Disease Control and Prevention (CDC) also notes that the virus has spread through airborne transmission “within enclosed spaces that had inadequate ventilation.”

Given this new understanding of the virus and emerging strains of the virus that transmit more easily than the original strains, it remains imperative for stewards to advocate for safety measures that will protect the health of our members. The most important measures include:

- It is the employer’s responsibility to provide necessary Personal Protective Equipment, including medical grade masks, and cleaning chemicals.
- Employers should implement engineering controls to reduce exposure to hazards, including installing physical barriers (such as clear plastic sneeze guards) and improving workplace ventilation (such as installing high-efficiency air filters or increasing ventilation rates). See the World Health Organization recommendations at [bit.ly/WHOrecs](https://bit.ly/WHOrecs) for more information.
- The employer should adjust work processes to ensure that workers can be a safe distance from each other.



Stewards can find other ideas for demands to make on employers at [www.ueunion.org/covid19/employers](https://www.ueunion.org/covid19/employers).

It is possible that the Occupational Safety and Health Administration (OSHA) will issue a new “Infectious Disease Standard” in the coming months. Such a rule would require healthcare facilities and potentially most other workplaces to proactively implement infectious disease control protocols. However, as of publication, this standard was not yet in place, and it remains the case that the union cannot rely on OSHA to enforce workplace safety regulations during the pandemic because they are greatly understaffed. The union must demand the boss comply.

The union has the right to demand to know if employees have tested positive for the virus, including those outside our bargaining unit. The union needs to be able to judge independently which workers and sections of the workplace may have been impacted. Do not allow the boss to claim that the name of a sick employee is protected health information. Very few of our employers are “covered entities” under the federal Health Insurance Portability and Accountability Act (HIPAA). Whether or not the employer is covered by HIPAA, the law allows the disclosure of information that is necessary to prevent or lessen a serious and imminent

threat to the health or safety of a person or the public. Sharing this information with the union is necessary for the union to represent our members’ needs, and it allows us to assist in preventing the spread of this disease and protecting our members. Demand that the boss report to the union known positive cases of the virus immediately and on an on-going basis.

### **Enforcing Special COVID-19 Agreements**

Many UE locals have reached special Memoranda of Understanding (MOU) or temporary attendance policies for the duration of the pandemic. It is important for UE stewards to help enforce these agreements on the shop floor. Make sure members know about these agreements, and make sure they are applied evenly across the bargaining unit.

Though most workplaces are now reopened in some capacity, the pandemic remains a threat to worker health and safety. Do not allow employers to prematurely end pandemic-related policies. Talk with your UE staff person about bargaining for extensions of any MOUs.

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## Vaccination

Vaccination has been effective in eliminating or suppressing many serious diseases. UE is encouraged by the early studies showing the safety and effectiveness of several COVID-19 vaccines. Universal access to safe and effective vaccines will be an important part of ending this pandemic and allowing us to return to something resembling life before the pandemic. UE members in healthcare settings have been among the first to have access to vaccines, and we hope vaccines are available to all workers soon.

While the data on the vaccine effectiveness shows that they are very good at preventing serious illness, they are not 100% effective at stopping symptoms of COVID-19, and we do not know yet if they prevent transmission of the virus. Therefore, UE encourages all workplaces to continue to practice mask-wearing, social distancing, and reductions in the size of in-person gatherings.

UE supports the vaccination programs that are currently being offered as a means to create a safer workplace and end the pandemic. However, we do want to make sure that members are being treated fairly, do not incur additional costs, and receive fair accommodations if they have medical conditions which prevent them from being vaccinated.

The EEOC has said that it does not violate the Americans with Disabilities Act for employers to require employees to be vaccinated, so more employers may attempt to require vaccination soon. UE members who hear about such policies in their workplaces should contact their UE staff member immediately.

If an employer wants to require employees to receive a COVID-19 vaccine, in many locals we may be able to bargain over both the decision and effects of this new work rule. Some locals may have zipper clauses, management rights provisions, or other language which may allow the employer to avoid bargaining. Our demands should include:

- The employer must cover all costs for the vaccination including any administrative fees, and must provide guidance on how and when employees may obtain a vaccine;

## Vaccination after Previously Contracting COVID-19

The CDC currently recommends that anyone who is able to get the vaccine do so, even if they previously contracted COVID-19.

The CDC notes, “Experts do not yet know how long someone is protected from getting sick again after recovering from COVID-19. The immunity someone gains from having an infection, called ‘natural immunity,’ varies from person to person. It is rare for someone who has had COVID-19 to get infected again. It also is uncommon

for people who do get COVID-19 again to get it within 90 days of when they recovered from their first infection. We won’t know how long immunity produced by vaccination lasts until we have more data on how well the vaccines work.”

Individuals should consult their health-care provider to determine how long they may need to wait after their illness before receiving a vaccine.

- Accommodations must be made for workers with a documented reason not to receive the vaccine;
- Vaccines should be given on work time, or if vaccines are being given off-site, workers should receive paid time to obtain their dose(s), including waiting time before and after the dose is given;
- Workers should be provided a paid day off the day following administration of the vaccine dose(s) so that the worker does not have to work while experiencing any temporary side effects;
- Employers must continue to provide PPE and follow other CDC-recommended guidelines to reduce the spread of virus transmission in order to protect those who may not be able to take the vaccine for medical or other reasons and since the vaccine may not stop all transmission of the virus.

## Navigating Government Resources

In late December, the federal government passed an emergency relief bill to address pandemic-related economic crises. This legislation is far from the comprehensive relief bill working people need, but it provides some necessary stop-gap funding. Union members will need to advocate for additional recovery resources in the future. Be sure to check UE’s webpage on COVID-19 resources for up-to-date information: [ueunion.org/covid19](http://ueunion.org/covid19)

## Representing Members Through Online Platforms

The pandemic has moved an increasing amount of union activities online, including representing members in grievance or investigatory meetings, and even bargaining contracts.

Stewards should continue to follow best practices during grievance or investigatory meetings, like preparing members in advance. A steward can still call a caucus with a member. The steward and member can log off management’s meeting and have their own phone call before continuing with the meeting. Provide advice to the member that will help their credibility during the meeting:

- Encourage them to find a quiet space with a reliable internet connection.
- Tell them to look directly at the camera when speaking, which will be more like looking management in the eye.
- Encourage grievants and witnesses to silence their devices so they are not getting texts or calls during the meeting.
- Prepare members not to use the online chat feature of any platforms. The message could accidentally go to the whole group or the wrong person, or if the meeting is recorded, could be viewed by management later.

Just like any other meeting with management, be sure to follow up with the member after it is over, and keep them updated about any correspondence with management.