Protecting worker health in the coming months is vital to protecting public health. While OSHA and the Centers for Disease Control & Prevention (CDC) have issued voluntary workplace health and safety guidelines for employers, there is no enforceable standard at OSHA to protect workers impacted by the pandemic. As is evidenced by high profile cases of COVID-19 spread in workplaces across the country, a voluntary approach is not working in many industries, particularly agriculture and other food production.

While the Trump administration has abandoned federal responsibilities to ensure health and safety for essential workers during this pandemic, there are measures states can take to bolster worker safety and as a result, public health.

1. The State should ensure employers are complying with the following health and safety measures that are recommended by the CDC.
   a. Social distancing
   b. Use of face masks or plastic shields provided by employer
   c. Hand sanitizing, hand washing, and gloves (workers must have the ability to wash their hands frequently throughout the workday)
   d. Regular disinfection of workplaces
   e. No sharing of equipment
   f. Notification to workers if a co-worker has exposed them to the virus

2. New Mexico should ensure workers are protected against retaliation. Workers need to be able to speak up without fear of retaliation about lack of proper personal protective equipment (PPE) or unsafe working conditions. Federal protections against retaliation are weak. The state could enact the following mandates.
   a. No employer should discriminate or take adverse action against employees who raise concerns about health and safety. There should be a rebuttable presumption that any adverse action taken against a worker within 90 days of protected activity is retaliatory.
   b. No employer should attempt to require an employee to sign a contract or agreement that would limit her ability to disclose information about workplace health and safety practices related to COVID-19 or would waive the employer’s liability if health and safety guidelines are not followed.
   c. A worker should have the right to refuse to work under dangerous conditions she believes would expose her and her co-workers to COVID-19.

3. No cost testing must be available for essential workers. If a worker who is ineligible for unemployment tests positive, and is required to self-quarantine, she should have access to economic relief that is equivalent to unemployment benefits during the time she recuperates. Access to the new federal sick leave benefits for workers in these circumstances must be extended and should be enforced.

4. Worker’s compensation insurance should cover workers who contract COVID-19 on the job. This is especially important for workers who do not have access to health insurance or unemployment benefits due to their status.