

Proposed new rules for protecting workers



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During 2021, we have seen a number of projects initiated by the Biden administration.

COVID-19

On Nov. 4, the Occupational Safety and Health Administration (OSHA) issued its emergency temporary standard (ETS) to protect workers from COVID-19.

In part, the announcement reads as follows:

Under this standard, covered employers must develop, implement and enforce a mandatory COVID-19 vaccination policy, unless they adopt a policy requiring employees to choose to either be vaccinated or undergo regular COVID-19 testing and wear a face covering at work.

The ETS also requires employers to do the following:

Determine the vaccination status of each employee, obtain acceptable proof of vaccination status from vaccinated employees and maintain records and a roster of each employee's vaccination status.

Require employees to provide prompt notice when they test positive for COVID-19 or receive a COVID-19 diagnosis. Employers must then remove the employee from the workplace, regardless of vaccination status; employers must not allow them to return to work until they meet required criteria.

Ensure each worker who is not fully vaccinated is tested for COVID-19 at least weekly (if the worker is in the workplace at least once a week) or within 7 days before returning to work (if the worker is away from the workplace for a week or longer).

Ensure that, in most circumstances, each employee who has not been fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes.

Deputy Assistant Secretary of Labor for Occupational Safety and Health Jim Frederick shared his thoughts:

While vaccination remains the most effective and efficient defense against COVID-19, this emergency temporary standard will protect all workers, including those who remain unvaccinated, by requiring regular testing and the use of face coverings by unvaccinated workers to prevent the spread of the virus....

As part of OSHA's mission to protect the safety and health of workers, this rule will provide a roadmap to help businesses keep their workers safe.

There are many NALC members who have reached out during the pandemic to express the need to do more. Many expressed concern for the welfare of their family members, indicating that their managers are not doing enough or that they do the right thing only when someone from the district comes in to hold them accountable—and then only long enough to sneak away from the spotlight.

OSHA's announcement states that "the ETS also serves as a proposal for normal rulemaking for a final standard. OSHA is seeking comment on all aspects of this ETS and whether the agency should adopt it as a final standard." Everyone has an opportunity to submit comments. There is no doubt that there will be challenges through the courts; however, I hope that employee protection and societal protection prevail over politics.

Heat Illness Protection Program

In the 11 years that I have served NALC in Washington, we have lost three members of our union due to the effects of the heat. On Jan. 24, 2012, we lost John Watzlawick of Independence, MO. On July 6, 2018, we lost Peggy Frank of Woodland Hills, CA. On June 19, 2021, we lost Dalvir Bassi of San Jose, CA. We also have lost a number of additional members to what we strongly believe to be heat-related injuries, but those cases were not confirmed by medical examiners. Further, hundreds of letter carriers have suffered serious injuries, many requiring hospitalization.

Since its establishment in 1970, OSHA has not put forth a heat safety rule.

In 2016, the National Institute for Occupational Safety and Health (NIOSH) issued a document titled "Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments." The forward of that document contains the following:

When the U.S. Congress passed the Occupational Safety and Health Act of 1970 (Public Law 91 596), it established the National Institute for Occupational Safety and Health (NIOSH). Through the Act, Congress charged NIOSH with recommending occupational safety and health standards and describing exposure levels that are safe for various periods of employment, including but not limited to the exposures at which no worker will suffer diminished health, functional capacity, or life expectancy because of his or her work experience.

On Oct. 27, the Biden administration issued an advanced notice of proposed rulemaking seeking comments from the public during a 60-day period.

NALC is working with the AFL-CIO on its statement on the matter, as well as preparing our own comments, as we know that a rule is well overdue.

Elections have consequences. Right now, the needs of labor are being heard.

Keep an eye on each other.