

United States Senate

WASHINGTON, DC 20510

March 6, 2020

Vice President Michael Pence
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Vice President Pence:

We write to you in your capacity as head of the White House Coronavirus Task Force (Task Force)¹ to urge the Task Force to adequately account for the needs of workers, especially frontline workers, in its response to the coronavirus public health emergency. The failure to address the risks workers face and unwillingness to solicit their perspective while formulating the Federal government's response represents a significant gap and could result in a plan that does not fully protect public health.

While the trajectory of the virus is uncertain, workers in industries across the economy and around the country could be harmed if it continues to spread. Workers without access to paid sick days will at best lose income and at worst lose their jobs if they become sick with the virus or need to be quarantined following potential exposure. If wide scale quarantine is required and businesses shut down, many more will face economic catastrophe.

Administration officials have spoken frequently about the stock market risks from the crisis,² but non-public health officials have not indicated the same concerns about the risks facing frontline workers. Because their jobs entail daily face-to-face interaction with large numbers of people, frontline workers such as nurses and other health care workers, flight attendants, and educators may be the most highly exposed individuals, and many of them will be a key part of the nation's response to this crisis. The White House Coronavirus Task Force currently does not include a representative from the Department of Labor (DOL) to consider these concerns,³ and the White House reportedly has not reached out to frontline workers like flight attendants, nurses, and educators to identify the problems they face and gather their

¹ Politico, "Trump puts Pence in charge of coronavirus response," Matthew Choi, February 26, 2020, <https://www.politico.com/news/2020/02/26/trump-puts-pence-in-charge-of-coronavirus-response-117790>

² CNBC, "Larry Kudlow says US has contained the coronavirus and the economy is holding up nicely," Fred Imbert, February 25, 2020, <https://www.cnbc.com/2020/02/25/larry-kudlow-says-us-has-contained-the-coronavirus-and-the-economy-is-holding-up-nicely.html>.

³ White House, "Vice President Pence and Secretary Azar Add Key Administration Officials to the Coronavirus Task Force," March 1, 2020, <https://www.whitehouse.gov/briefings-statements/vice-president-pence-secretary-azar-add-key-administration-officials-coronavirus-task-force-2/>

expertise in developing solutions.⁴ We urge you to reverse this startling omission by adding a DOL representative to the Task Force and by consulting with frontline workers through their unions and leadership as you develop the government-wide response to the virus.

Following the detection of a novel coronavirus (which causes COVID-19) in Wuhan City, China in December 2019, the World Health Organization declared a “Public Health Emergency of International Concern” on January 30, 2020.⁵ To date, the virus has infected more than 96,000 people worldwide, including over 160 in the United States, and caused more than 3300 deaths worldwide.⁶ The virus is spreading more widely in the United States and has the potential to cause widespread disruption to daily life.⁷ In light of this escalating public health emergency, federal agencies have begun convening task forces and issuing guidance and communication to stakeholders and the public.⁸

Countries with large numbers of coronavirus cases have seen significant labor market disruptions, which could be replicated in the United States if the virus spreads. According to a recent survey, two-thirds of Chinese businesses still report being under some form of lockdown, with about a third operating remotely and almost a third of companies completely closed.⁹ China has closed schools nation-wide and Japan is taking steps to do the same.¹⁰ South Korean manufacturing giants like Samsung and Hyundai have had to close down major plants because of coronavirus infections.¹¹ Countries with fewer cases have also started to feel the economic effects. Major international conferences, which bring important business and revenue to their hosts, have been cancelled all around the world, including the Mobile World Congress, which was expected to bring 100,000 people to Barcelona, the Facebook F8 Developer conference in

⁴ Politico, “Flight attendants, nurses, teachers want coordinated coronavirus response,” Tanya Snyder, February 4, 2020, <https://subscriber.politicopro.com/education/whiteboard/2020/02/flight-attendants-nurses-teachers-want-coordinated-coronavirus-response-3976302>

⁵ World Health Organization, “Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV),” press release, January 30, 2020, <https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-%282005%29-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-%282019-ncov%29>.

⁶ Johns Hopkins Center for Systems Science and Engineering, “Coronavirus COVID-19 Global Cases,” accessed March 5, 2020,

<https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>

⁷ Washington Post, “Coronavirus’s spread in the U.S. is ‘inevitable,’ CDC warns,” Erica Werner, Yasmeen Abutaleb, Lena H. Sun, and Lenny Bernstein, February 25, 2020, <https://www.washingtonpost.com/us-policy/2020/02/25/cdc-coronavirus-inevitable/>.

⁸ Secretary Alex Azar, “Remarks at HHS Press Briefing on the Administration’s Response to COVID-19,” February 25, 2020, <https://www.hhs.gov/about/leadership/secretary/speeches/2020-speeches/remarks-at-hhs-press-briefing-on-the-administrations-response-to-covid-19.html>; Federal Aviation Administration, “Novel Coronavirus Update,” February 23, 2020, <https://www.faa.gov/news/updates/?newsId=94991>; Inside Higher Ed, “Education Department Creates Coronavirus Task Force,” Paul Fain, February 28, 2020,

<https://www.insidehighered.com/quicktakes/2020/02/28/education-department-creates-coronavirus-task-force>;

Occupational Safety and Health Administration, “COVID-19,” <https://www.osha.gov/SLTC/covid-19/>.

⁹ CNBC, “China starts to get back to work as leaders worry about people’s jobs,” Evelyn Cheng, February 21, 2020, <https://www.cnbc.com/2020/02/21/china-starts-to-get-back-to-work-as-leaders-worry-about-peoples-jobs.html>.

¹⁰ The New York Time, “Japan Shocks Parents by Moving to Close All Schools Over Coronavirus,” Mokoto Rich, et al., March 3, 2020, <https://www.nytimes.com/2020/02/27/world/asia/japan-schools-coronavirus.html>.

¹¹ Reuters, “Hyundai Motor Halts Work at Factory After Worker Tests Positive for Coronavirus,” February 28, 2020, <https://www.nytimes.com/reuters/2020/02/28/business/28reuters-china-health-southkorea-hyundai-motor.html>.

California, and the American Physical Society conference in Denver, Colorado.¹² The disruptions to workers would likely be greater in the United States, where a quarter of workers do not have access to paid sick days and those workers are more likely to be concentrated in industries where they have frequent contact with others, including retail, child care, restaurants, and the gig economy.¹³

Organizations representing frontline workers have a unique ability to identify issues on the ground and can signal the success or failure of containment and treatment efforts, such as a shortage of critical supplies or inconsistent or confusing safety practices. Flight attendants are asking for consistent guidance about access to personal protective equipment and assurance that they can use this equipment while working;¹⁴ health care workers are requesting support to prepare for a surge of patients who need separate waiting areas;¹⁵ educators want policies and procedures for early identification of suspected cases.¹⁶ Public employees who will be deemed essential personnel are also requesting equipment and support.¹⁷ Translating the insights of frontline workers into actionable preventative measures is necessary to protect workers, the economy, and the general public and to aid in preventing further spread of coronavirus.

Employers have a statutory obligation to ensure employees work in an environment that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm.”¹⁸ The administration should support businesses in complying with the law, while ensuring robust protections for workers, by issuing emergency temporary standards for occupational safety and health developed with frontline employees based on their understanding of existing and developing risks in their workplaces and industries.¹⁹

Protecting the health and safety of frontline staff such as nurses and teachers is also necessary to minimize disruption to daily life and protect the most vulnerable Americans. For example, frontline workers (particularly staff who work in environments with vulnerable populations like nursing homes, schools, and hospitals) must be protected from financial consequences if they become ill and decide to remain at home (as the CDC recommends),²⁰ in order to prevent a more rapid spread of the virus. Institutions employing frontline workers must also be prepared to operate with higher levels of absences without compromising safety. It is

¹² Barrons, “Here’s a List of Big Events Canceled Because of the Coronavirus,” Eric Savitz, March 2, 2020, <https://www.barrons.com/articles/coronavirus-is-forcing-companies-to-cancel-conferences-51583147701>.

¹³ The New York Times, “Avoiding Coronavirus May Be a Luxury Some Workers Can’t Afford,” Clair Cain Miller, et al, March 2, 2020, <https://www.nytimes.com/2020/03/01/upshot/coronavirus-sick-days-service-workers.html>.

¹⁴ Association of Flight Attendants, “Immediate Operational Actions to Stop Spread of COVID-19,” https://www.afacwa.org/afa_actions_stop_spread_of_covid_19.

¹⁵ National Nurses United, “National Nurses United Urges Administration, Congress to Protect Health Care Workers and Fully Fund Coronavirus Response, March 2, 2020, <https://www.nationalnursesunited.org/press/national-nurses-united-urges-administration-congress-protect-health-care-workers-and-fully>.

¹⁶ American Federation of Teachers, “COVID-19 – How to Be Prepared: Bulletin for Teachers and School Staff,” February 24, 2020, https://www.aft.org/sites/default/files/coronavirus_bulletin_educators_022420.pdf

¹⁷ American Federation of Teachers, “COVID-19 - How to Be Prepared: Bulletin for Public Employees,” February 24, 2020, https://www.aft.org/sites/default/files/coronavirus_bulletin_pubemps_022420.pdf.

¹⁸ 29 USC § 654.

¹⁹ 29 USC § 655 (c).

²⁰ Centers for Disease Control and Prevention, “Coronavirus Disease 2019 (COVID-19): Prevention & Treatment,” February 15, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html>.

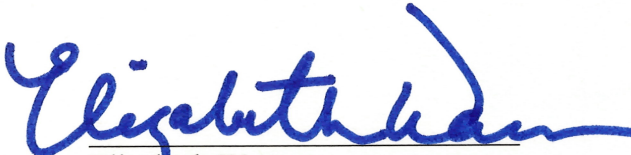
imperative that frontline workers be included in decision-making in order to ensure that guidance addressed to their industries is practical, clear, and crafted with the benefit of their expertise and with their needs in mind.

We urge you to add a representative from the Labor Department to your Task Force, to include the perspectives of frontline workers in any planning group charged with addressing the coronavirus public health emergency, and to engage frontline stakeholders in drafting and disseminating guidance that affects their roles. In addition, we request answers to the following questions by no later than March 19, 2020:


1. Does the Administration have any plans to add a representative from the Department of Labor to the Task Force?
2. Have representatives of frontline workers, including unions, been invited to join the White House Coronavirus Task Force or any agency-level task forces or planning groups related to the coronavirus public health emergency, or provide informal consultation? If so, please describe each representative or individual consulted and their role.
 - a. Has the administration reviewed letters and guidance documents submitted by unions representing frontline workers? How has this information been incorporated into the administration's response?
3. Have employers or industry groups representing employers of frontline workers been invited to join any task forces or agency-wide planning groups related to the coronavirus public health emergency, or provide informal consultation? If so, please describe each representative or individual consulted and their role.
4. Has your agency invited representatives of frontline workers to review or provide input on any guidance or communication before its release to the public or industry stakeholders? If so, please describe the guidance and input provided.
5. Please describe any guidance the administration has provided to stakeholders to protect frontline workers' health and safety.
 - a. How is the administration ensuring that frontline workers have access to appropriate personal protective equipment in their workplaces?
 - b. How is the administration securing the supply chain for personal protective equipment for frontline workers?
 - c. How is the administration ensuring that employees are not forced to work if appropriate personal protective equipment is not available to them?
6. Please describe any guidance the administration has provided to stakeholders to protect frontline workers from financial harm if they chose to follow CDC advice and remain at home if they become ill.
7. Is the administration planning to promulgate an emergency temporary standard for occupational safety and health under 29 USC § 655 (c)?

- a. If so, who is involved in developing the new standard, and what does it include?
- b. If not, why is the administration not taking this critical step?

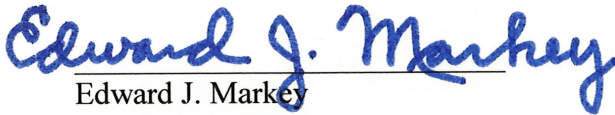
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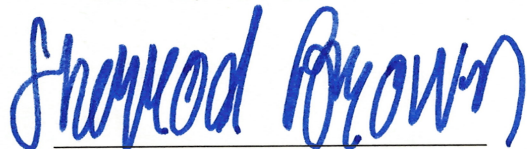
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