



ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus

Workers and Employers Want to Know

Q. Workers and employers have asked the ILA~USMX Joint Safety Committee (JSC): *“If a worker or manager, acting in good faith, reports for work and is subsequently found to be sick... and should that worker present himself/herself for work in a similarly unwell condition soon afterward, is it permissible for the employer to allow the apparently sick worker entrance to a workplace populated by fellow workers who are in apparent good health?”*

A. No, for several reasons. In these times, it would be wrong to permit an apparently unwell employee access into a workplace populated with fellow employees who are in apparent good health.

First, allowing sick workers who are potentially infected with any easily transmittable disease into the same work environment shared with workers who are well is morally repugnant and medically very ill advised.

Next, employers permitting workers who are ill with potentially infectious and easily communicable diseases to share the same workplace with workers who are in apparent good health is, according to OSHA, *illegal*. OSHA has recently announced that the OSHA law’s General Duty Clause (§5 (a)(1)) has application in circumstances where an employer knowingly allows a worker to be exposed to a transmittable disease being carried by another worker.

In sum, if you’re a worker or manager who’s ill, do yourself, your fellow workers and your industry a big favor and stay home until you’re well. Consult with your own health care provider; have him/her document your ability to return to work... we’ll wait for you.

Moreover, given a Federal law passed by the U.S. Senate just yesterday, any negative financial impact arising from a worker being sidelined owing to a potential communicable disease it appears that such negative impact will be substantially moderated. Also, in many cases, there are disability pay potentials. [19 March 2020]

Working Together For The Benefit Of All