FAQ’s for Building Trades Union Members Regarding COVID-19

MEMBER RIGHTS

Can my employer retaliate against me for expressing concern about workplace safety?
No. Executive Order 20-54, Protecting Workers from Unsafe Working Conditions states that employers must not discriminate or retaliate in any way against a worker communicating about occupational safety.

Does my contractor have to follow CDC and OSHA guidelines?
Yes. All businesses including those employing Critical Sector workers are required to comply with CDC, MDH and OSHA guidance.

Does my contractor have to have a COVID-19 Preparedness Plan?
As a critical industry, construction contractors have not been required to create pandemic business plans. However, pandemic business plans are a best practice in the construction industry and many contractors have implemented them. If you are not familiar with whether your contractor has a pandemic plan, you should contact your safety director.

What should I do if I don’t think my worksite is safe or I am afraid to go to work out of fear of being exposed to COVID-19?
You should call your union to address the workplace safety issue. If you cannot resolve your concerns, you can contact Minnesota OSHA at 651-284-5050, OSHA.Compliance@state.mn.us.

I have underlying health issues that put me in at “high risk” if I contract COVID-19. What should I do?
Tell your employer that you have an underlying health condition that could put you at high risk. Your employer is required to keep this information confidential to the extent possible. If you believe you can continue to work safely with a reasonable accommodation, ask your employer and request a reasonable accommodation. You should ask your employer to allow you to stay at home or to give you a lay-off if there is no reasonable accommodation available.
Can my employer perform health checks during the COVID-19 Pandemic?  
**Yes.** Employers can do health checks and ask questions reasonably related to COVID-19 exposure, but employers cannot ask questions about underlying health conditions or disabilities. Employers can take employees’ temperature if the process is performed by the employer or employer representative and is uniform, non-discriminatory, and confidential.

Can I get workers’ compensation if I contract COVID-19 at work?  
Workers compensation would apply if you can demonstrate that you contracted COVID-19 in the course and scope of your employment and if it was caused by the work. If you are working in a health care facility in a COVID-19 unit, please contact your union for additional information about the COVID-19 Worker’s Compensation law.

My employer wants to change hours, shifts, other terms and conditions of my employment because of COVID-19. What should I do?  
The employer must get an agreement from the Union before making any changes to hours, shifts, or other terms covered by the contract. For changes to conditions that are not covered by the contract, the employer may need to provide notice to the Union of the requested changes and the opportunity to bargain. Contact your union if you have any questions.

What does an employer have to do if they need to lay-off a portion of its unionized trades?  
The employer must follow any applicable terms of the union agreement in conducting lay-offs. The employer cannot terminate employees in retaliation for the exercise of the federal or state paid leave rights. Contact your union if you have any questions.