



## COVID-19 FAQ's for Building Trades Union Members

The safety of Building Trades members is our top priority. The Minnesota Building and Construction Trades continues to monitor the impacts of the coronavirus and the disease COVID-19 on the Minnesota Construction Industry. We have developed the following questions and answers to help union members better understand their rights during the COVID-19 pandemic.

### 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.

#### **Is my contractor required to have a COVID-19 Preparedness Plan?**

**Yes.** As of June 29, 2020 all critical industry employers, including construction contractors are required to have a COVID-19 Preparedness Plan that complies with the requirements on the StaySafeMN website. Employees must be trained in these plans and the plans must be readily accessible. If you have any questions about your employer's preparedness plan contact your safety director or your union representative. For more information:

<https://staysafe.mn.gov/industry-guidance/construction.jsp>

#### **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.

#### **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](mailto: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.

**Can union representatives still visit jobsites?**

**Yes.** Union business agents and representatives can visit construction jobsites to provide representation services to members. Union representatives are required to follow the same safety standards including COVID-19 safety measures as workers on the jobsite.

**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.