GOAL:
To review key labor rights that are relevant during the COVID-19 pandemic.
(This complements the previous activity, “That’s your job: employer responsibilities …” which reviews key workers’ rights under Cal/OSHA’s Emergency Temporary Standards.)

ESTIMATED DURATION: 20–30 minutes

Materials needed:
- Handout with true/false questions – Labor Rights Quiz
- Or, if using slides: Slides 17 - 33 for the activity
  - You can show the slides with questions and ask participants to answer in the chat and/or say their answer out loud OR
  - Use the “poll function” in Zoom to have participants answer all the questions first, and then use the slides to review the answers (faster).

Introduction:
We are going to review some key workers’ rights using a True and False quiz format to guide discussion.

Steps:

1. Explain the activity
Describe that there are 8 true and false questions related to workers’ rights and they will decide whether they think the statement is true or false. Then, you will review the answers and give them more information about each statement.

- If you are using the handout, Labor Rights Quiz: Distribute copies to participants. Ask them to take a few minutes to fill it out. You will review the answers after they have completed all the answers.

- If you are using the PPT slides or Zoom Poll: You will read each question out loud and then review the answer as you go along.
2. **Review the answers.**

Use the following chart to review the responses. As you go through each question, you could ask “How many of you thought it was true? How many thought it was false? Why?” before giving the response. After each response, you can add some additional information.

### Answers and additional information

1. **Cal/OSHA requires that health and safety training for workers be done in English.**

   **FALSE.** In California, all workplace safety and health training and communication for workers must be provided in a manner that they understand. This means it needs to be in a language workers understand and in formats that are effective; for example addressing different literacy levels. Distributing information in English would not be effective if workers don't speak the language or can't read it well.

2. **Employers must allow workers to take at least 24 hours of paid sick leave every year.**

   **TRUE.** California law requires employers to provide paid sick leave. At a minimum, employees earn one hour of sick leave for every 30 hours of work. An employer may limit the use in a 12-month period to 24 hours (can be 3 eight hour shifts or they can be taken in smaller increments).

   To qualify to use this paid leave, the worker must have worked for 90 days with the same employer and have worked at least 30 days in the year. Paid sick leave is paid at the regular rate of pay, which must be at least the state minimum wage. The state minimum wage is currently $14 per hour (or $13 for employers with 25 or fewer workers) which is set to increase each year until the minimum wage reaches $15 per hour for all employees.

3. **The new COVID-19 supplemental sick leave can only be used by workers if they are sick or have to quarantine, but not to take care of family members.**

   **FALSE.** Workers can use this supplemental sick leave to:
   - Care for themselves if they are sick, have to quarantine or isolate, or have vaccine-related symptoms
   - Care for a family member who is sick with COVID-19 or has to quarantine or isolate, or to care for children whose school or day care is closed
   - Attend a vaccine appointment

   All employers with more than 25 employees are required to give workers up to 80 hours of COVID-related leave. That is for full-time workers and there is a formula for part-timers.

   This new supplemental sick leave went into effect on March 29, 2021 but is retroactive to January 1, 2021.
4. **If a worker is exposed to COVID through work, they must be provided pay and benefits during their quarantine period.**

**TRUE.** According to the ETS, workers who were exposed at work must be excluded from work for at least 10 days with their pay and benefits preserved.

There are other programs that can provide support for workers who are exposed outside of work or who are caring for sick family members, including:

- 2021 COVID-19 Supplemental Sick Leave
- State Disability Insurance
- Family Paid Leave

5. **If a worker gets sick from COVID-19 on the job, they are entitled to workers’ compensation.**

**TRUE.** All employers are required to have a Workers’ Compensation insurance policy, which provides benefits to workers who are injured or sick because of work, including COVID-19.

Workers’ compensation benefits are designed to provide workers with the medical treatment they need to recover from a work-related injury or illness, partially replace the wages lost while recovering, and help them return to work.

If a worker thinks they got infected with COVID-19 at work, they have the right to file a workers’ compensation claim. Generally, they would have to show that they contracted the virus at work. This can be challenging. Workers who think they have been exposed through work should gather documentation that demonstrates where they believe the exposure took place and which protections were not in place.

Under California law, if there has been an outbreak of COVID-19 at the workplace, any employee who gets infected within that outbreak period will be presumed to have a workplace illness, making him or her eligible for workers’ comp benefits. However, this is a presumption and an employer is entitled to challenge the claim and show that the person was infected outside of work.

6. **Employers must provide free COVID testing to workers, even if they were exposed outside of work.**

**FALSE.** Employers must offer free testing, on paid time, to any workers exposed to COVID-19 on the job. To determine if a worker was exposed on the job, employers must determine which workers were within 6 feet of a COVID-19 case for a total of 15 minutes within any 24-hour period during the COVID-19 case’s “high risk exposure period.”

However, in outbreak situations, employers must provide periodic COVID-19 testing to all employees in an “exposed workplace.” This means at least weekly or twice per week depending on the magnitude of the outbreak.
7. **Retaliation is illegal in California, regardless of workers’ immigration status.**

**TRUE.** Retaliation is strictly prohibited in California and the laws provide strong penalties to stop employers from punishing and threatening workers who exercise their rights.

Retaliation does not only mean firing a person who speaks up. It can include:

- Threats, or changing a person’s pay or working conditions to something less desirable
- Preventing a person from getting promotions or other job advancements

It also includes making threats related to immigration. This means employers cannot threaten a worker due to their immigration status or threaten to call immigration authorities if a worker exercises their rights.

8. **Workers are protected from retaliation when they report hazards or injuries or refuse to do dangerous work.**

**TRUE.** Workers are protected from retaliation when they:

- Raise concerns or report hazards, illnesses, or injuries
- Organize and take action together
- Request or take paid leave
- File a workers’ compensation claim
- File a complaint with a government agency

In addition, workers can refuse to work in unsafe conditions. Retaliation complaints can be filed with the Labor Commissioner’s Office.

3. **Summarize with a key message**

Employers have the legal responsibility to provide a safe workplace. In addition to the Cal/OSHA Emergency Temporary Standards on COVID-19, there are other rights and benefits for workers, including protection from retaliation.
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