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Joint Public Hearing on the Impact of COVID-19 on the Workforce August 13, 2020

Thank you for the opportunity to provide testimony on this important issue. My name is Maritza Silva-Farrell, and I am the Executive Director at ALIGN: The Alliance for a Greater New York. ALIGN is a longstanding alliance of community, labor and environmental justice organizations dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers. Since the beginning of the pandemic, ALIGN has built the Essential Worker Table, a statewide coalition composed of 87 labor unions, worker organizations, and other worker advocates, to advance the rights of workers during the COVID-19 crisis.

To date, even months into a deadly pandemic, there are few enforceable occupational safety and health standards at the federal level or in New York State to adequately protect frontline workers from infection. Racial and gender injustice are at the heart of the lack of protections since the beginning of this pandemic. Essential workers didn't stop working under unsafe conditions at the height of the crisis, and they are disproportionately Black and Latinx workers, who are least likely to work in jobs that allow them to work safely from home. In New York City alone, there were over 1 million frontline workers in sectors deemed "essential:" 75% are workers of color, with black workers making up the largest percentage; over 50% are immigrants; and 63% are women. Now as the economy re-opens, many more workers are at risk of exposure.

New York State can fix this injustice that has disproportionately fallen on workers of color and women workers by enacting immediate and effective legislation to protect workers. The stakes are too high for inaction, and we must mitigate the devastating consequences that this disease will continue to have on our communities. COVID continues to spread around the nation, and New York must prepare for a second wave. Workers, especially essential workers who we have called heroes, deserve that from the State of New York.

Effective legislation would require employers to adopt key health and safety standards that cover all workers in our state, including face masks and PPE requirements, social distancing and hand hygiene policies, and disinfection protocols. In addition, these standards must be enforceable, with clear consequences and penalties for employers who fail to comply with the law. Furthermore, we believe that workers are experts in their own workplace and can play a key role in ensuring safety measures are followed by their employers. Through worker committees, workers will be empowered to raise concerns and report violations. Finally, legislation must provide for strong anti-retaliation protections for workers who blow the whistle.

I want to take a few moments to share what workers themselves are experiencing on the ground and emphasize the urgent need for action now. One private sanitation worker, Anthony Pena, remembers the time when his co-worker was forced to come

to work, despite him telling his employer about his compromised immune system. That co-worker contracted COVID and died, and even after this tragedy, Mr. Pena states that there are still no safety measures in place, and their trucks and the office are still not properly cleaned and sanitized. Evelyn Brown works at an assisted living facility and she contracted COVID twice and each time she feared about how her 3 year old daughter would be cared for. She worked without protective equipment, and sometimes had to bring her own mask to work or had to wear garbage bags due to lack of gowns, and the facility did not do deep cleaning and often ran out of soap. At Ms. Brown's facility, approximately 40 residents have died from COVID-19. More than 30 other caregivers have tested positive and one housekeeper has died.

I also want to be clear that this is not just a workers' rights issue. Worker infections lead to community spread, and the lack of enforceable standards in workplaces exacerbates this public health emergency. An outbreak at Champlain Valley Specialties, an apple manufacturing company in Oswego, was linked to two other clusters of positive COVID-19 cases in neighboring counties. Another outbreak at Green Empire Farms yielded 390 positive cases, and was at one point the largest COVID-19 outbreak in upstate NY. Both of these instances could have been prevented. Reports show that Champlain Valley Specialties and Green Empire Farms exercised their discretion when deciding how and when to implement CDC guidelines. It was not until local government intervened that the two outbreaks were contained.

Suggested guidelines are not enough to protect workers. The COVID-19 crisis is shining a light on the unsafe and abusive conditions workers have had to endure simply to support themselves and their families. For years, Amazon's obsession with efficiency has led to injury and even death, and now these employees are forced to work shoulder to shoulder with colleagues who may be infected with a deadly virus. New York cannot rely on these businesses to oversee themselves. Many businesses will not change their behavior unless there are consequences for their decisions. This pandemic is no exception.

We cannot unnecessarily risk any more worker lives. In the interest of justice and protecting the public health, ALIGN and the NY Essential Workers Table call for immediate legislative action on this matter.

Additionally, I would like to emphasize the importance of protecting essential workers and families that are excluded from current income relief. I am talking, for example, about immigrant families with undocumented parents who have lost a breadwinner to COVID, workers who have lost their jobs and do not have work authorization, and recently incarcerated adults who have been released into a nearly impossible job market.

Albany simply must step in to create an Excluded Workers Fund that would provide a flat rate emergency income benefit to major groups of workers who are excluded from Unemployment.

That is how we will do right for the hard-working people in NY.

Thank you for your time and for the opportunity to provide this testimony.