



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

With Businesses Nationwide Pressuring Employees To Return To Work Before It's Safe To Do So, Senator Hoylman And Senator Ramos Introduce Legislation To Protect Workers Who Leave Unsafe Work Environments

BRAD HOYLMAN-SIGAL May 8, 2020

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NEW YORK—Today, Senator Brad Hoylman and Senator Jessica Ramos announced new legislation to protect unemployment benefits for workers who are forced to leave unsafe work environments. As employers begin attempting to reopen, many are forcing workers to show up to work environments that lack the necessary safety precautions to prevent the spread of COVID-19. This legislation would ensure that if a New Yorker is fired for not showing up to work, or quits out of fear for his or her health, that worker would continue to be eligible for unemployment insurance benefits.

Senator Brad Hoylman, bill sponsor, said: “New York is the epicenter of a global pandemic, and public health experts are urging us all to stay safe by saying home. Going to work every day shouldn’t be a game of Russian Roulette. It’s absolutely outrageous to force New Yorkers to choose between risking their life or losing their job. This legislation will ensure that no one is forced to expose themselves to a deadly virus simply to pay rent or put food on the table. New York State must stand up for workers—especially when it’s clear their employers won’t.”

Senator Jessica Ramos, co-prime sponsor and Chair of the Labor Committee said: “Across the country and even in our own district, we have seen large employers put profits before the health and safety of their workers. No worker should have to put their own life or their family’s life at risk just to make a living. By incentivizing employers to protect their workers with PPE, proper testing and isolation measures, we will make sure workers have the fundamental right to healthy workplaces and necessary access to unemployment benefits should they choose to leave their jobs due to hazardous work environments”

Senator Hoylman and Senator Ramos’ legislation would amend section 593 of the Labor Law to ensure no New Yorker is disqualified from receiving unemployment insurance for taking health precautions during the COVID-19 pandemic. Under this bill, a New Yorker cannot be disqualified from claiming unemployment insurance if:

- They leave their job because their employer maintained—or refused to fix—a health or safety condition that made the environment unsuitable;
- They are a furloughed employee who turns down an offer to work under conditions that are unsuitable, including conditions where employers have broken laws, rules, policies, orders or guidance set forth by the government to protect public health; or
- They were fired for not working or walking off the job in response to an employer’s refusal to address a health or safety condition.

Richard Blum, Staff Attorney in the Employment Law Unit at The Legal Aid Society, said:

"Workers on the front lines of COVID-19 must be able to protect themselves from workplace hazards, and they must be free to object to unsafe conditions while knowing that if they lose their job as a result, they can still put food on the table. This critical legislation makes it clear to workers that they have that protection through the unemployment insurance system. We commend Senator Hoylman for introducing the bill, which will provide much-needed safeguards for our clients and all workers and their families during this pandemic."

George Wentworth, of counsel at the National Employment Law Project said: “As New York’s economy reopens, it’s crucial that workers are free to refuse dangerous jobs without losing their unemployment benefits. We applaud Senator Hoylman for calling for this important clarification of the state’s unemployment insurance laws to ensure that workers are not forced to choose between risking their health and being able to pay their bills. When the legislature next convenes, we urge that it act quickly to pass this bill together with a slate of other crucial unemployment insurance reforms that have been introduced – especially fixing New York’s unfair “partial unemployment insurance” rule, which threatens to block thousands of New Yorkers from qualifying for the newly approved federal Pandemic Unemployment Assistance benefits.”

Employers who require workers to come back to work without implementing safety precautions are putting lives at risk. In Utah, two businesses told staff to continue working and ignore COVID-19 safety protocol; at least 68 employees of those businesses were infected with the virus. In Nebraska, a small city has a higher rate of COVID-19 infection than New York City after meatpacking plants forced employees to come into work.

The Trump Administration has refused to impose basic safety guidelines for workplaces. Senator Mitch McConnell has insisted on protecting corporations from liability lawsuits, eliminating any incentive a business may have to protect its workers from COVID-19.