

YOUR WORKPLACE RIGHTS DURING COVID-19

YOU HAVE THE RIGHT TO A SAFE AND HEALTHY WORKPLACE



THE LAW

Your employer must provide masks, provide for 6 feet of physical distancing at work wherever possible, inform employees of COVID-19 exposure at work, provide training on safe practices, and take additional precautions.

You have the **Right to Refuse Unsafe Work** when your employer does not follow California workplace health and safety requirements.

WHAT YOU CAN DO

- Find health and safety requirements and information for making a complaint: dir.ca.gov/dosh/coronavirus/.
- Report workplace health and safety violations to Cal/OSHA at (510) 622-2916.
- **Before refusing to do unsafe work**, talk to your employer to see if there are safer alternatives, such as working from home or using proper protective equipment like masks.

WHAT IF I AM SICK WITH COVID-19, NEED TO QUARANTINE, OR NEED TO CARE FOR A FAMILY MEMBER?

YOU MAY QUALIFY FOR PAID SICK LEAVE UNDER THESE LAWS.

THE LAW

WHEN IT APPLIES

WHAT YOU CAN DO

California Paid Sick Days

- At least three paid sick days each year.

- All employees in California have the right to CA paid sick leave for the prevention, diagnosis, or care of themselves or a close family member.
- Several cities, including Oakland, Berkeley, Emeryville, and San Francisco require employers to provide more sick days.

- Inform your employer that you need sick leave.
- Learn more: labor.ca.gov/coronavirus2019/.
- Report violations to the Division of Labor Standards Enforcement at dir.ca.gov/dlse/HowToFileWageClaim.htm or to your local labor standards enforcement agency.

Emergency Paid Sick Leave

- Some localities provide for two weeks of extended pandemic-related sick leave.
- The federal and state laws on pandemic-related sick leave expired December 31, 2020. Check the websites provided here for any updates or changes to these laws.

- If you work in a city or county with an emergency sick leave law, you may qualify for two weeks of paid sick leave to care for yourself or others in connection with COVID-19.
- Several local cities and counties, including San Francisco, Sacramento, and San Mateo, currently provide emergency pandemic-related sick leave. Other localities are considering extending or adopting emergency sick leave laws.
- The requirements and expiration dates for these local protections vary. Check with your local government for the latest information.



Paid Leave after COVID-19 Exposure at Work

- Employers must continue to provide pay and benefits to workers required to quarantine or isolate after exposure to COVID-19 at work.

- You are required to quarantine because of COVID-19 exposure at work.
- You are able and available to work, but cannot work because you are quarantined.

WHAT IF I NEED MORE THAN TWO WEEKS OF LEAVE TO RECOVER FROM MY ILLNESS OR TAKE CARE OF OTHERS?

YOU MAY HAVE RIGHTS TO LEAVE UNDER THESE LAWS.

THE LAW

WHEN IT APPLIES

WHAT YOU CAN DO

California Family Rights Act (CFRA), Family and Medical Leave Act (FMLA)

- Up to 12 weeks unpaid leave for health condition.
- Protects your job while on leave.
- For pay, consider SDI or PFL, below.

- You or a close family member have a serious health condition.
- CFRA applies if your employer has 5 or more employees.
- FMLA applies if your employer has 50 or more employees within 75 miles.
- You have had your job for at least one year.

- Make request to your employer.
- To learn more visit dfeh.ca.gov/ or call 1-800-884-1684.

Fair Employment and Housing Act (FEHA) & Americans with Disabilities Act (ADA)

- May allow additional unpaid leave or modified work as accommodation for health conditions.

- You have a serious health condition that requires a reasonable accommodation.
- Your employer must have more than 5 workers for FEHA to be applicable and more than 15 workers for the ADA to be applicable.

- To learn more and apply: visit edd.ca.gov/ or call 1-800-480-3287.

State Disability Insurance (SDI) provides about 60 to 70% of your wages for up to 52 weeks if you are unable to work because you are sick or disabled.

- You must be employed or looking for work at the time your disability begins.
- You must have medical certification from your doctor of your illness, disability, or required quarantine.

Paid Family Leave (PFL) provides about 60% to 70% of your wages up to \$1,300 per week for up to 8 weeks to care for a close family member that is sick.

- You must be employed or actively looking for work at the time the disability begins.
- You must be taking leave to care for a close family member with a serious health condition or a new baby.



WHAT IF I LOST MY JOB OR HAD MY HOURS CUT?

YOU MAY BE ENTITLED TO COMPENSATION.

THE LAW

WHEN IT APPLIES

WHAT YOU CAN DO

Unemployment Insurance (UI) and Pandemic Unemployment Assistance (PUA)

- UI and PUA provide partial wage replacement for employees and independent contractors who have lost income.
- PUA expires March 14, 2021, unless extended.

- You must be able to work and unemployed or working less through no fault of your own.
- UI applies if you worked as an employee.
- PUA applies if you were self-employed.

- To learn more and apply: visit edd.ca.gov/ or call 1-800-300-5616.

Workers' Compensation

- Compensation for disability and medical treatment for workplace injuries or illnesses.

- If you are injured or become ill at work, including if you contracted COVID-19 at work.

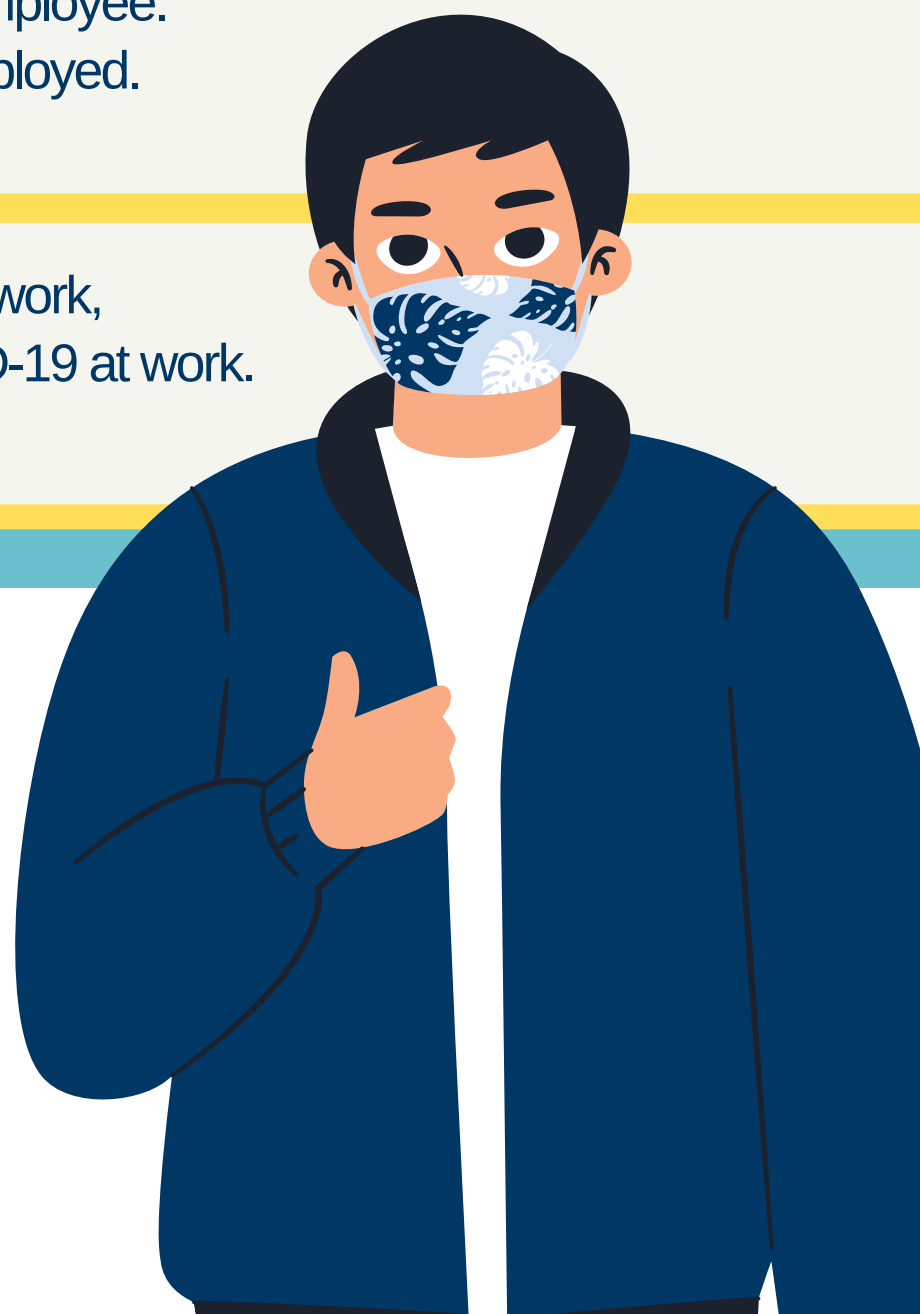
- Notify your employer of your injury or illness as soon as you can, then submit claim to employer.
- To learn more: visit dir.ca.gov/dwc/ or call 1-800-736-7401.

All of these legal rights, except for Unemployment Insurance and Pandemic Unemployment Assistance, are available to workers in California **without regard to immigration status**.

Retaliation is illegal. If your employer retaliates against you for exercising these rights, file a retaliation complaint with the DLSE at dlse.ca.gov/ or reach out for legal help.

Your rights may vary based on your specific circumstances. This information is up to date as of January 2021.

Call Centro Legal de la Raza at (510) 437-1554 if you have questions.



CENTRO LEGAL DE LA RAZA

