

April 13, 2020

[BY EMAIL]

Dear seafood processing factory and staffing agencies owners:

We, members of Pescando Justicia, a committee of former and current seafood processing workers, supported by the Centro Comunitario de Trabajadores, the Massachusetts Coalition for Occupational Safety and Health, and Justice at Work, are writing to express our continued commitment to the success of the essential seafood processing industry during this COVID-19 crisis, and to raise concerns about unsafe working conditions that many are facing across this industry.

This moment makes it clear that workers' health and safety is inseparable from the health of the general public. It is more important than ever to make sure your company has protocols in place to make sure that the workplace is not contributing to the spread of the virus. We urge you to take the following steps to ensure health and safety, at your company and beyond:

1. Make Sure Workers Who Need to Stay Home Can Stay Home

- a. Provide all workers, whether they were hired by you or assigned by a temp agency, with the paid leave they need if they are quarantined or need to care for themselves, for someone who is sick, or for a child who is home due to school closures. At the very least provide what state and federal laws now provide.
- b. Provide workers with information in both English and Spanish on the Massachusetts earned sick time law and the new federal laws providing paid sick leave and paid leave to care for a child.
- c. Ensure that workers are not retaliated against in any manner for requesting or taking COVID-19 related paid leave.
- d. Invite those who feel they are at a higher risk of becoming severely ill to self-identify with your company in a confidential manner and allow them paid time off to avoid getting sick.
- e. Take the temperature of all workers as they arrive to work. For any workers with a fever, send them home in a respectful, confidential way, to use their paid sick time off. For any workers who show up to work and are sent home, for any reason, provide show-up pay.

2. With Workers, Assess Hazards and Make a Plan

- a. Follow OSHA guidance to conduct a Hazard Assessment and develop an Infectious Disease and Response Plan, with input from workers. The plan should assess how workers might be exposed to the coronavirus while at work and define clear workplace controls to eliminate, prevent, or reduce exposure. The plan should outline a process for communicating with workers about COVID-19 cases identified at the workplace and how you will ensure the workplace is safe moving forward.

- b. Continually meet with workers to assess the plan and discuss other steps that can be taken to ensure safety.
 - c. Communicate the plan clearly to all workers, in English and Spanish and, where necessary, in Mayan K'iche' both verbally and in writing. Written communication should include posting the plan in English and Spanish in all areas where workers gather or enter the workplace, and providing it in a form that can be taken home for review and help in understanding.
 - d. Provide workers with education and training on control measures identified in the plan.
3. **Provide Appropriate Personal Protective Equipment (PPE) and Training**
- a. Provide workers with personal protective equipment including gloves and face masks or properly fitted face shields.
 - b. Supply enough PPE, including gloves, gowns, and face masks or shields for workers to change frequently, to maintain a safe and healthy environment. For example, each worker should have enough gloves to replace them after breaks, after using the restroom, after meals, and after each shift.
 - c. In English and Spanish, and, when necessary, Mayan K'iche', provide training and share information about how to safely put on, use, and remove PPE. Information and training materials should be shared in a form workers can take home to review and seek help understanding.
4. **Maintain At Least Six Feet Between Workers**
- a. Immediately increase the distance between workers to at least six feet at all times, including during arrival and departure, while working, clocking in and out, and during breaks to wash hands, use the restroom, and eat lunch.
 - i. Arrangements might include reconfigured work stations, staggered shifts, longer break times, or directing workers through different entrances at the start and end of shifts.
 - ii. Provide enough microwaves so workers can safely reheat food while observing the six feet distance recommendation. Being able to heat food in a safe manner is important to workers' health and performance on the job.
 - iii. Do not use biometric systems for clock-in clock-out procedures. They increase risk of exposure.
 - b. To the extent there is decreased production resulting from new health and safety precautions, workers should not have their hours decreased. Instead, production hours could be lengthened, with staggered shifts, or workers could be reassigned (possibly to increased cleaning and disinfection with proper training).
5. **Ensure Adequate Cleaning and Disinfection.** Seafood processing plants have surfaces where the virus may live for long periods of time. Workers need access to proper supplies and consistently cleaned and disinfected surfaces at all times.

- a. Qualified personnel should develop cleaning and disinfecting protocols for shared spaces, like bathrooms and break rooms; machines and tools; and commonly touched surfaces, including devices used to clock in and out of our shifts.
 - i. Lunch and break rooms must be cleaned between each group's use.
 - ii. Disinfectants should be EPA-registered.
- b. Provide workers with hot water, soap, paper towels, and alcohol-based gel sanitizers. Alcohol-based gel sanitizers should be readily available when they enter and leave the worksite.
- c. Give workers sufficient breaks to wash their hands, allowing workers time to follow proper PPE protocols while maintaining a distance of at least 6 feet from others. This may include creating additional wash stations.
- d. Provide a wash station for workers entering the plant, so they can wash their hands and clean and disinfect their shoes.
- e. When anyone at a plant is identified as having a confirmed or presumptive case of COVID-19, shut down the plant to clean and disinfect it. Workers should not lose wages due to any such shut down.

6. Increase Pay to Reflect Risk.

- a. Acknowledge workers as essential workers by providing all of them, whether they were hired directly by your company or through a temp agency, a \$1 pay raise. For those working piecemeal, increase their piecemeal rate in a corresponding manner. Food processing/packing employers across the country have given workers hazard pay and other benefits including up to \$2 per hour wage increases, up to \$500 in bonuses, \$100 weekly childcare subsidies, and up to \$100 daily premiums.

Thank you for your time and attention in consideration of public health and workers' needs, as you and your workforce come together to provide an essential service in a moment of unprecedented challenges.

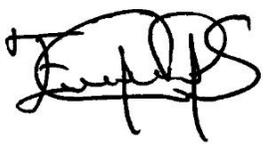
If you have any follow-up questions or would like to discuss anything included in the above letter, please contact Milagros Barreto of MassCOSH by email milagros.barreto@masscosh.org or phone (617) 505-8939.

Signed,

Yamileth Acevedo

Belgica Barrientos

Ruth Castro



Mirna Pacaja



Paula de Leon



R. Elizabeth Chavez
Ana Chavez

Yamileth Acevedo

Belgica Barrientos

Ruth Castro

Carlos Sincu

Epifanio Cos

Juan Carlos Carranza

Mirna Pacaja

Nicolas Sincu Panjoj

Paula de Leon

Rebecca Acevedo

Guadalupe Rivas

Elizabeth Chavez

Ana Chavez

Pescando Justicia Members

Cc: Adrian Ventura, Director, Centro Comunitario de Trabajadores
Jodi Sugerman-Brozan, Director, MassCOSH
Thomas L. Smith, Esq., Director, Justice at Work