

December 9, 2020

Dear seafood processing factory and staffing agency 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, Coalition for Social Justice, Justice at Work, Migrant Justice (VT), and Partners for Dignity and Rights, are writing once again to express our continued commitment to the success of the essential seafood processing industry during this COVID-19 crisis. As the nation confronts a second and even greater surge of cases, recently breaking an all-time high in Massachusetts, we are writing to share with you further concerns about unsafe company practices and working conditions that many are facing across this industry.

Workers' health and safety during this pandemic continues to be inseparable from the health of the general public. We all know that COVID-19 can and has spread dangerously, especially in workplaces like meat and seafood processing plants. The Centers for Disease Control and Prevention (CDC) make clear that employers like you have an obligation to manage in a way that best protects the health of your workers and the general public. We also know that the rate of community spread in the New Bedford/Fall River area is higher than in many other parts of Massachusetts, requiring particular vigilance.

We urge you to take the following required and/or recommended steps to ensure compliance with local, state, and federal health and safety guidelines, *in addition to* those we requested in our April 13 letter:

1. Training and Ongoing Communication

Under the new Massachusetts regulations, you must provide training for workers regarding COVID-19 safety, during work hours and at no cost to your workers. The training must include, at least:

- a. Signs and symptoms of COVID-19
- b. Risk of asymptomatic spread of COVID-19
- c. Employee and employer requirements under COVID-19 Workplace Safety Regulations
- d. Anti-retaliation protections for workers

In order for the training to be meaningful and useful as intended, it should be given in your workers' native language, including English, Spanish and Mayan K'iche' as the City of New

Bedford's May 5, 2020 Emergency Order ("**The New Bedford Order**") mandates regarding training on how to safely put on, use and remove PPE.

The New Bedford Order mandates that every seafood processing facility appoint a COVID-19 Health and Safety Officer ("CHASO"), yet workers report they do not know who that person is or what the appropriate channel is to communicate with them. Workers urge plants across this region to identify a CHASO, and to include in their COVID-19 training, verbally and in writing, in languages understood by the workers, clarification of who that person is, and how to raise concerns. In addition, the CHASO in each plant should hold regular meetings--at least once every two weeks--for any workers to attend, on the clock, to discuss COVID or other workplace health and safety concerns in their native language.

2. Workers' Rights to Paid Sick Time and Family Leave

All workers must be provided information in their native language, including English, Spanish and Mayan K'iche', about any benefits that may be available to them under the Families First Coronavirus Response Act ("FFCRA"), the Massachusetts Earned Sick Time Law and the Paid Family Medical Leave Act, which is effective January 1, 2021. This information should be provided by either the seafood processing factory or the staffing agency that supplies workers to the factory. If the staffing agency provides the information, the factory should obtain a written affirmation from the agency that it has done so, with regard to each worker, consistent with the New Bedford Order. Both the factories and the staffing agencies that supply workers to them must ensure that all workers who are eligible for any of these benefits receive them. To that end, the factories and the staffing agencies must determine whether either or both are responsible, as either single or joint employers of the workers, for complying with the requirements of paid leave law.

3. Face Masks

The City of New Bedford and its Board of Health require that employers "shall supply" surgical masks or cloth face coverings to their employees, a standard to which all seafood processing facilities should comply.

If it is not possible for workers to remain six feet apart or to install impermeable barriers, like strip curtains or plexiglass, to separate workers, workers must be supplied with a standard face shield, surgical mask or similar face covering, gloves, and protective gowns.

CDC seafood processing plant guidelines make clear that cloth face coverings must include multiple layers and must allow breathing without restriction. They must not be used if they

become wet or contaminated, and they must be replaced with clean replacements, as needed, provided by the employer.

Non-medical disposable masks are single-use masks, and, if used, should be replaced daily, by the employer.

We ask that you conscientiously comply with these guidelines and requirements.

4. Workers who become ill with COVID-19, and those who are exposed

Workers who are ill should not be allowed to work. You should take the temperature of all workers as they arrive to work. Any workers with a fever or other COVID-19 symptoms, should be sent home in a respectful, confidential way.

Workers who become ill with COVID-19 need to know what the plan is for their return to work, following Department of Public Health guidance. Plant locations in New Bedford need to follow the City's Emergency Order to Prevent the Spread of COVID-19 in Industrial Facilities, and we expect plants in other locations to follow suit.

Workers who have been exposed to another worker who has been diagnosed with COVID-19 should be notified about that exposure, without identifying the person who is sick.

Under new guidance from the CDC, workers who have been exposed but are asymptomatic should be sent home to quarantine, and should only remain on the job as a last resort, such as when their absence would cause the business to close, and the shutdown could cause serious harm or danger to public health or safety.

All workers who are sick, or need to quarantine because they have been exposed to someone who is sick, should continue to be paid while they are required to be away from work, whether they were hired by you or assigned by a temp agency. This will help to assure that sick workers, including those who don't have symptoms, are not in the workplace.

5. Testing

Especially in places like New Bedford and Fall River, where the rate of community spread is high, COVID-19 testing in the workplace makes good business, worker safety, and public health sense. We believe that every effort should be made by you and the temp agencies, working when possible with the local public health departments, to bring COVID-19 testing to our workplaces, on a weekly basis.

If weekly testing in the workplace is not possible, workers should be permitted to get tested, with no cost to them, at a local testing site. They should be paid their regular rate of pay for time spent obtaining the test.

6. Ventilation

Mask wearing and social distancing of at least six feet, and other means of physically separating workers, are all important, but they are not enough to ensure a safe workplace. The virus that causes COVID-19 is spread not only through droplets, but also through small particles that can travel through the air. Because of this, adequate ventilation systems are also critical to keeping workers healthy. We strongly believe it is in your best interest, and ours, that you consult with ventilation/HVAC professionals to figure out how to bring in the greatest amount of outside fresh air, or to purify the inside air so that virus particles will not infect your workers.

Thank you for your attention to your workers' needs, and to your obligations as an employer in our community. We're sure you agree that no worker should have to choose between surviving economically and getting infected or even dying at work. Your workers and your community are looking to you to do your part in helping us get through this pandemic with our health and our economic security intact.

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,



Viviana Robledo M.E.Q.B



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