



# Working at Amazon in New York State During COVID-19?

## *Here's What You Need to Know About Your Legal Rights*

**F**or employees in New York State working for private employers, including Amazon, workplace safety is regulated by federal, state, and city agencies, including the Occupational Safety and Health Administration (OSHA), the Centers for Disease Control and Prevention (CDC), the NYS Departments of Labor (DOL) and Health (DOH), and the NYC Health Department. To date, no agency has issued formal legal regulations to prevent the spread of COVID-19 in the workplace. However, all agencies have issued COVID-19 safety guidelines, and you have the right to file a complaint if your employer is not following these protocols. You also have the right to join with your co-workers to demand a safe and healthy workplace. You have the right to be free from retaliation for engaging in any of these activities.

### Health and Safety

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#### 1. *What are the suggested guidelines for employers that will ensure my workplace is safe?*

Workers should join together to demand that employers provide the following safety measures in the workplace:

- **Social Distancing:** Maintain 6 feet or more of distance between all individuals in the worksite.
- **Face Masks:** Provide double layer cotton face masks to employees.
- **Hand Sanitizer, Hand Washing, and Gloves:** Provide hand sanitizers that are readily available in multiple locations in the workplace. Allow employees to wash their hands with soap and water regularly. Provide gloves to employees who request them.
- **Regular Disinfection:** Clean and disinfect regularly all frequently touched surfaces in the workplace, such as workstations, keyboards, telephones, handrails, and doorknobs.
- **Increase Ventilation Rates:** Increase the percentage of outdoor air that circulates.
- **Notification of Employees:** Inform employees of their possible exposure to COVID-19 if a fellow employee is confirmed to have COVID-19, with meaningful details about the

potential exposure while maintaining confidentiality as required by the Americans with Disabilities Act (ADA).

- **Deep Cleaning After Confirmed Cases:** If an employee is suspected or confirmed to have COVID-19, the employer shall close off the workplace areas visited by the ill person, ensure increased air circulation in the area, and then wait 24 hours or as long as practical to conduct deep cleaning and disinfection as directed by CDC.

For further guidance information, see

- OSHA: <https://www.osha.gov/Publications/OSHA3990.pdf>
- CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- NYC Department of Health: <https://www1.nyc.gov/site/doh/covid/covid-19-businesses-and-facilities.page>
- NELP's [Worker Safety and Health Toolkit](#)

**2. *Are there government agencies where I can file a complaint if I believe my employer is not following the CDC, OSHA, or NYS DOH guidelines? YES***

- NYS Department of Labor: [labor.ny.gov/COVIDcomplaint](http://labor.ny.gov/COVIDcomplaint) or 1-888-469-7365
- OSHA: [https://www.osha.gov/workers/file\\_complaint.html](https://www.osha.gov/workers/file_complaint.html) or 1-800-321-6742

**3. *What can I do if my employer is not providing adequate health and safety protections?***

The best way to secure more or better safety precautions against the spread of COVID-19 in your workplace is to organize with your co-workers. A group of organized workers acting together may be the most effective way to pressure your employer to act. In addition, these types of actions are protected as concerted activity under federal labor law—section 7 of the National Labor Relations Act (NLRA).

If your employer attempts to interfere in your exercise of your right to organize, file a complaint with the National Labor Relations Board (NLRB): <https://www.nlr.gov/how-we-work/fillable-forms> or 1-866-667-NLRB (6572).

**4. *Can I discuss my concerns related to COVID-19 with my co-workers? YES***

Federal labor law specifically allows employees to talk to their co-workers about working conditions as long as it is during non-work time (i.e., you are off the clock).

**5. *Can my co-workers and I refuse to work or go on strike to protest unsafe conditions? YES***

If you collectively refuse to work with other co-workers because of concerns about inadequate protections on the job, your actions are protected by federal labor law.

Some employers, including Amazon, have publicly stated that workers can refuse to come to work, utilizing unpaid time off from work, if they do not feel safe under the current working conditions. If your employer has given you this option, you can refuse to go to work to protest unsafe working conditions.

**6. *Can I speak to the media about COVID-19-related issues in my workplace? YES***

If you and your co-workers are working together to improve conditions in your workplace, federal labor law allows you to speak publicly about your campaign and concerns. This extends to your right to speak out in the media about your collective action and concerns—although what you say to the media must be about mutual aid and protection. If what you say veers into disparagement of the company or other unprotected topics, federal labor law may no longer protect your speech.

It is a good idea to collaborate with your co-workers about talking to press, as that will ensure your actions are considered to be concerted activity.

**7. *Can I post on social media about COVID-19-related problems in my workplace? YES***

Under federal labor law, you have the right to speak with your co-workers about workplace conditions. Therefore, your speech on social media is more likely to be protected under federal labor if your post is part of a discussion involving multiple co-workers' concerns about working conditions.

You are not legally protected if you post about your own personal gripe or if your post could be perceived as a rant—a line that is very easy to cross in social media. If your speech is found to be unprotected for those reasons or because you disparaged the company, your employer could probably retaliate against you without violating labor law.

**You should always seek legal advice as soon as possible if you are considering taking individual or collective action.**

**8. *Can my employer fire or otherwise retaliate against me for raising safety concerns, taking collective action, or filing a complaint? NO***

It is illegal for an employer to fire or retaliate against you for raising safety concerns at work, engaging in protected concerted activity, or filing a complaint with a government agency.

New York laws protect whistleblowers. Specifically, sections 215 and 740 of NYS Labor Law protect workers from retaliation. To file a complaint with the NYS Department of Labor, visit [labor.ny.gov/COVIDcomplaint](https://labor.ny.gov/COVIDcomplaint) or call 1-888 4-NYSDOL (469-7365).

Federal health and safety law—specifically, section 11(c) of the Occupational Safety and Health Act—is enforced by OSHA and protects employees from retaliation. NOTE: You must file your complaint with OSHA within 30 days of the retaliatory action.

To file a complaint with OSHA, visit

<https://www.osha.gov/whistleblower/WBComplaint.html> or call 1-800-321-6742.

Federal labor law protects workers who engaged in concerted activity from employer retaliation, and complaints can be filed with the National Labor Relations Board.

To file a complaint with the NLRB, visit <https://www.nlr.gov/how-we-work/fillable-forms> or call 1-866-667-NLRB (6572).

If your employer retaliates against you for raising safety concerns, you can also consult with an attorney to file a claim.

See NELP's Toolkit for more about rights and resources:

<https://www.nelp.org/publication/worker-safety-health-during-covid-19-pandemic-rights-resources/>

For more information on section 11(c), see The OSH Law Project's "Stand Up Without Fear: Understanding the OSH Act's Retaliation Provisions" toolkit:

<http://www.oshlaw.org/wp-content/uploads/2020/02/stand-up-without-fear.pdf>

***This is not legal advice. Consult a workers' rights advocate (such as Make the Road New York, New York Communities for Change, the Teamsters, or the RWDSU) to exercise these rights and find a lawyer to help file a claim with National Labor Relations Board, OSHA, and the New York State Department of Labor.***

## **Paid Sick and Family Leave**

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On March 18, 2020, New York State enacted emergency legislation guaranteeing job protection and pay to employees for illness and quarantine absences resulting from COVID-19. The right to paid sick leave already exists for New York City workers. The new emergency paid sick and quarantine leave, however, covers all workers in the state and in many cases provides greater benefits.

### **1. *Can I get paid sick or quarantine leave if I am absent from my job due to COVID-19? YES***

All employees in New York State are now entitled to COVID-19 paid sick and family leave with the proper documentation.

This paid sick and quarantine leave is separate from any paid leave (other accruals/paid time off) you may have accrued at your job.

The size of your employer will determine how the benefits are paid and how many days you receive.

- Large employers (100 or more employees): Employers must provide at least 14 paid sick days.
- Mid-sized employers (11-99 employees) and small employers with net incomes of over \$1 million: Employers must provide at least 5 paid sick days.
- Small employers (1-10 employees): Employers must provide, but are not required to fund, 5 sick days. Wage replacement payments will be paid through combination of New York State paid family leave and disability benefits.

For more information about COVID-19 paid sick and quarantine leave in New York State, visit <https://paidfamilyleave.ny.gov/COVID19>.

**2. *What do I need to submit to receive paid sick and family leave in New York State?***

All COVID-19 benefits require a “mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.”

You can receive the necessary documentation from a licensed medical provider who has treated you, attesting that you qualify for the order.

<https://paidfamilyleave.ny.gov/new-york-paid-family-leave-covid-19-faqs>

- Free testing is available throughout the state. Call 1-888 364-3065.
- You must follow up with your local health department and submit the required order as soon as it becomes available.

For more information about COVID-19 paid sick and quarantine leave in New York State, visit <https://paidfamilyleave.ny.gov/COVID19>.

**3. *What if I need more sick days than my employer is required to provide?***

After your COVID-19 sick days are used, you may be eligible to receive your weekly wages through a combination of existing New York State paid family leave and disability benefits, up to a maximum of \$2,884.62 per week.

**4. *Can I get paid sick or quarantine leave to take time off to care for a family member who has contracted COVID-19? YES***

If you must care for a minor dependent child because they are sick or quarantined due COVID-19, you are entitled to paid sick and quarantine leave for the duration of the quarantine or isolation with the proper documentation that is described above.

To be eligible for this type of leave, if you are a full-time employee you are eligible if you have worked 26 consecutive weeks for your employer; for part-time employees (regular schedule of less than 20 hours per week), you are eligible if you have worked 175 days.

Payment under this benefit is 60% of your average weekly wage up to a maximum of \$840.70 per week.

For detailed instructions, see the “How to Apply” section of <https://paidfamilyleave.ny.gov/if-your-minor-dependent-child-quarantined>.

If you need to take time off to care for a family member other than a dependent child, you may be eligible for the more general paid family leave because COVID-19 is considered a “serious health condition” under the law.

If eligible, you are entitled to up to 10 weeks of paid leave at 60% of your average weekly wage, up to a maximum of \$840.70 per week.

For detailed instructions, see the “How to Apply” section of <https://paidfamilyleave.ny.gov/paid-family-leave-family-care>.

5. ***Can my employer refuse to give me paid leave, force me to work when I am sick, fire me, or take other actions against me if I exercise or am attempting to exercise these rights? NO***

Even if you are an essential worker, your employer cannot take action against you for attempting to take, or taking, paid sick or quarantine leave or paid family leave.

Upon your return, you must be restored to the position you held prior to taking leave.

Any quarantine, sick or family leave should not be counted as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

6. ***What can I do if my employer is not complying with any of these requirements?***

If your employer is not providing you with the required number of sick days, proper wages, or otherwise not complying with the requirements of this law, you may file a complaint with the NYS Department of Labor at: [www.labor.ny.gov/COVIDcomplaint](http://www.labor.ny.gov/COVIDcomplaint) or 1-888-4-NYSDOL (469-7365)

7. ***Where can I get more information?***

The City of New York website provides more information:  
<https://paidfamilyleave.ny.gov/COVID19>

***Protect Amazon Workers NY is a project of the National Employment Law Project, the New York Civil Liberties Union, and Make the Road New York. Additional groups with resources on workplace rights for Amazon workers include: [Athena for All](#), [New York Communities for Change](#), [Teamsters](#), [RWDSU](#) and [ALIGN](#).***