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State and Local Enforcement Project, Harvard Labor and Worklife Program

National Employment Law Project

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Briefing Outlines How States, Localities Can Protect Workers During the COVID-19 Pandemic.

CAMBRIDGE and NEW YORK—The Harvard Labor and Worklife Program and the National Employment Law Project today released a briefing, How States and Localities Can Protect Worker Safety and Health. The briefing:

- Outlines key elements of the Occupational Safety and Health Act (the OSH Act);
- Provides legal analysis explaining when the OSH Act does and does not preempt state or local legislation or enforcement action; and
- Provides specific examples of how states and localities can take action to protect workers during the Covid-19 pandemic.

“Too many people are putting their lives at risk just by going to work, and as states re-open, the crisis will only get worse,” said Terri Gerstein, director of the State and Local Enforcement Project at the Harvard Labor and Worklife Program, and Senior Fellow at the Economic Policy Institute. “Our briefing provides legal analysis and a roadmap for states and localities to protect worker safety. And by taking action, they’ll also help stop community spread of the virus.”

“State and local policymakers have many tools at their disposal to protect workers and the public from COVID-19,” said M. Patricia Smith, Of Counsel with the National Employment Law Project, and former New York State labor commissioner and USDOL solicitor of labor. “In addition to adopting new laws or executive orders, policymakers can use existing state laws, including public nuisance laws and criminal laws already on the books, to address unsafe working conditions.”

The briefing’s recommendations include both enforcement and other measures requiring no new legislation, as well as policy proposals requiring enactment through executive order or legislation.

The briefing can be found [here](#).

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