

REBNY Resources:

REBNY & BCTC Industry Standards for Construction Safety

During the Coronavirus (COVID-19) Crisis

The COVID-19 pandemic is unprecedented in the health challenges it presents to the World, New York State, New York City, and the New York City construction industry. The construction industry is an essential sector of our economy and it will be a vital element of our City's economic recovery from the economic crisis caused by the pandemic. The New York City Building and Construction Trades Council ("NYC BCTC") and the Real Estate Board of New York ("REBNY") have joined together and are committed to responding to this public health crisis in a manner that is effective, maximizes the safety of workers and the public, minimizes unemployment for workers, and allows for the continuation of the vital work of building and maintaining the City's infrastructure and buildings. To this end, the following Industry Standards are offered as guidance to the industry and supplement the Construction Industry Safety Protocol adopted by the NYC BCTC and BTEA on March 17th, 2020. These Standards are under constant review and may be updated consistent with published guidance to ensure best practices are followed to keep workers and the public safe.

- Construction Managers and Employers will be monitoring worker's health in accordance with CDC and DOH guidance and workers that exhibit symptoms including fever, will be sent home.
- Construction Managers and Employers shall to the extent possible, enforce social distancing standards recommended by the CDC, NYC DOB, and DOH.
 - Pre-shift meetings and orientations, etc. shall include information on protecting against infection; follow social distancing practices, and shall be conducted in a safe manner in accordance with public health guidance
 - Where social distancing of at least 6 feet or more is not possible due to work tasks it is especially important to engage in good hand hygiene, avoid personal contact and use other protective measures in accordance with public health guidance.
 - Crew size will be limited and interaction of crews will be limited in accordance with public health guidance.
 - Employees shall be required to engage in 100% compliance with existing protective eyewear and work glove policies and such equipment shall be made readily available
 - Employers shall provide PPE (and related training) appropriate for the situation

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- Construction Managers and Employers will collaborate to create best practices for risk assessment and mitigation, maintaining a robust sanitizing schedule for all frequently touched surfaces throughout all work shifts, spatial separation including at hoists and shanties, schedule planning and coordination, protection of occupied spaces, and medic services.
- Employers shall be permitted to remove an employee from the jobsite and, depending on the circumstances, require the employee to obtain a doctor's release certifying the employee is able to return to work if an employee:
 - Reports having contact with another person(s) who has reasonably believed to have contracted COVID-19 or a similar disease
 - Has recently return from international travel
 - <https://travel.state.gov/content/travel/en/traveladvisories/ea/travel-advisory-alert-global-level-4-health-advisory-issue.html>
 - Presents symptoms associated with the COVID-19 or similar disease as defined by the CDC;
 - Receives an objective and non-discriminatory assessment of symptoms by the jobsite medic, representative of the General Contractor/CM or a representative of their own employer
 - Non-invasive thermal reading devices and thermometer guns may be used by trained medics or medical professionals assigned by the individual's employer at entrance gates or in each trade contractor's shanty/office trailer. The highest standards of infection control shall be used when checking temperatures as well as using reasonable efforts to maintain confidentiality of such readings.
 - Any employee that has tested positive or been removed from the job based on an objective assessment of symptoms shall not be permitted to return to the job, or any job, until the employee has been quarantined for a sufficient period in accordance with public health guidelines, or can produce a negative COVID-19 test, or is able to produce a medical clearance to return to work
- Where there is a known or suspected positive COVID-19 case on a job site, the Employer must take the following action:
 - Notify the Construction Manager (CM) or General Contractor (GC) immediately
 - Identify those in close proximity to the worker to the extent possible and communicate that information to the CM or GC and the trade shop stewards
 - Trade shop stewards shall notify their respective union hall immediately
 - The site must be cleaned and disinfected with products recognized by the US EPA and/or American Chemistry Council for use against viruses such as COVID-19 and others
 - Notice of when such cleaning and disinfecting shall occur will be provided to all trades on site along with information regarding the products/chemicals used; how they are applied; and the locations, equipment, and supplies where they were applied.
 - Hazmat precautions will be taken to protect employees from chemical exposure where appropriate in accordance with industry standards

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- If an employee is confirmed to have COVID-19 or similar disease, the employer shall notify all employees who were believed to be in contact with this individual and take actions consistent with appropriate protocols to prevent the further spread of the disease. Where individual notifications are not possible, signs shall be posted on the site and any appropriate website that will communicate to employees the existence of positive COVID-19 case on the site.
 - The Employer shall engage in a risk assessment consistent with public health guidance
 - No adverse action shall be taken against employees that leave the job and self-isolates as result of such notification
- The Employers shall not transfer and Unions shall not knowingly refer any employee with a positive COVID-19 test, a pending test result, or an individual on quarantine or isolation awaiting a test, medical appointment, to another job site for work pending clearance from a medical professional.
 - All unions will seek authority as appropriate to suspend hiring hall or referral hall rules with respect to the order of referral for any employee with a positive COVID-19 test, a pending test result, or an individual on quarantine or isolation awaiting a test, medical appointment related to COVID-19 or similar infectious disease.
- Employers should designate a contact person for employees to address COVID-19 questions and concerns.
- If an employee reasonably believes another employee(s) has met one or more of the above conditions, the employee shall report such as soon as reasonably possible.
 - Such report shall be made anonymously and confidentially to the Employer's designee, without any adverse action.
 - The employer shall then follow all appropriate guidance and protocols to ensure a safe jobsite, including a risk assessment by a jobsite medic where available, and jobsite disinfecting where reasonable cause to believe there has been an exposure;
- There shall be no adverse action taken against an employee who refuses to be present at a jobsite so long as the employee believes there is imminent danger and a reasonable person would agree there is real danger of contracting COVID-19 at the jobsite;
 - If an employee reports a belief that there is imminent danger, the Employer shall investigate any reasonable means to mitigate that danger, including but not limited to;
 - Sanitizing
 - Prohibiting shared equipment, tools, and vehicles
 - Increasing spatial separation
 - Risk assessment
 - Medic assessment
 - The personal choice of employees not to work under these circumstances shall not be considered a strike, work stoppage or other job disruption, and shall not be alleged to be a violation of any collective bargaining agreements' no strike provisions.

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- OSHA and its Whistleblower Protection Program protects all employees when raising jobsite safety concerns related to COVID-19
- Employers shall comply with any federal and/or state leave requirements, as applicable, and any collective bargaining agreement or other PTO entitlements as may be applicable.
- There shall be no adverse action taken against an employee who has been quarantined, or advised to self-quarantine, self-monitor, due to possible exposure to COVID-19, and such employees shall be permitted to return to work upon medical clearance from a medical professional, including the assessment of a jobsite medic.
- In the event access to a jobsite is restricted by an appropriate public or private authority, owner or Construction Manager in response to the COVID-19 or similar disease, the employer shall be permitted to temporarily lay-off the employees assigned to this jobsite and such employees shall be eligible for unemployment, or other appropriate leave, including extended COVID-19 related benefits provided by local, state or federal law;
- Such employees shall be permitted to return to their original positions with their employer upon the resumption of work on the jobsite, and/or their ability to return, without the need of the referral process
- Employers shall negotiate with their respective collective bargaining partners regarding alternative work schedules, alternative transportation and parking to avoid mass transit and or crew trucks, staggering the workforce, starting times; rotation of workforce, other methods of reducing the number of employees on site while maintaining efficiency, additional methods of encouraging sick or symptomatic employees to self-isolate.

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