

Silenced About COVID-19 in the Workplace

New national survey shows that retaliation against whistleblowers in the workplace is prevalent during the pandemic. Black workers are more likely to work under conditions that are both hazardous and repressive.

In recent months, media reports have drawn attention to retaliation against whistleblowers and workers across U.S. industries for raising health and safety concerns in the workplace.¹ Unfortunately, these are not isolated incidents, according to the results of our new nationwide survey fielded in May. Key findings include the following:

- One in eight workers has perceived possible retaliatory actions by employers against workers in their company who have raised health and safety concerns during the pandemic.
- Black workers are more than twice as likely as white workers to have seen possible retaliation by their employer.
- Black workers are also twice as likely as white workers to indicate having unresolved COVID-related concerns at work.

Our results suggest that virus transmission in the workplace may be exacerbated by employer repression and that the disproportionate impact of COVID-19 on Black communities may be related to greater exposure of Black workers to repressive workplace environments. These findings are especially important now, as more businesses reopen and the dangerous implications of penalizing workers for raising health and safety concerns will only grow.

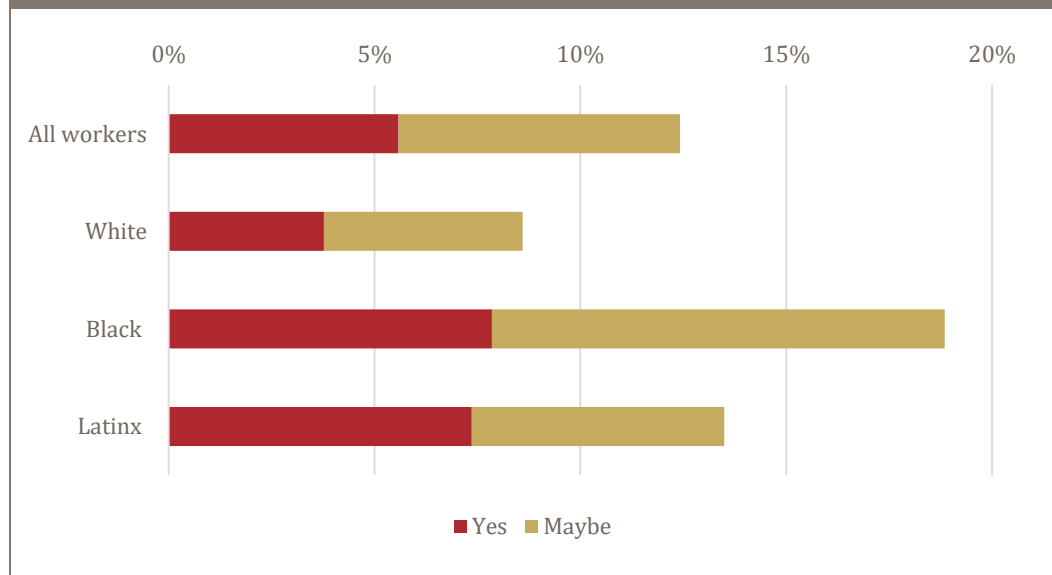
Workers Who Raise Concerns Face Job Repercussions

To assess retaliation in the workplace during the pandemic, we used Google Consumer Surveys to ask 1,137 respondents about this issue from May 8 to May 11, 2020. (Google Consumer Surveys collects responses from internet users who visit news and other internet sites; see Google Consumer Survey's method [paper](#) for more details. See this Economic Policy Institute [brief](#) and this [paper](#) by Brynjolfsson et al. for applications of Google Consumer Survey data to measure workforce trends during the pandemic.)

As **Figure 1** shows, **one in eight workers (12 percent) report that their employer may have retaliated against them or another worker for raising concerns about working conditions related to COVID-19.**

Black workers are more than twice as likely as white workers to have seen possible retaliation by their employer, with 9 percent of Black workers answering “Yes” and another 10 percent answering “Maybe” to the question, “Have you or has anyone at your company been punished or fired for raising concerns about the risk of coronavirus spreading at the workplace?” Aggregating those two groups yields a rate of almost one in five Black workers (19 percent) indicating that their employer may have taken retaliatory actions against themselves or other workers. This rate is more than twice that of white workers (9 percent).

Figure 1. "Have you or has anyone at your company been punished or fired for raising concerns about the risk of coronavirus spreading at the workplace?"



Respondents also provided troubling descriptions of treatment by employers and managers in response to raising concerns about the spread of COVID-19. They detail situations such as employer hostility toward workers who speak up, terminations of workers who raised health concerns, threats of termination for taking time off, and spreading misinformation about federal worker protections. The following are some of the descriptions that respondents gave in their own words in open-ended survey answer fields. (Because these responses were written by survey participants, they are presented here in verbatim form, including any typographical, grammatical, or other mistakes.)

- “Created an environment where concerns could not be brought to her”
- “Bullying”
- “Told to fall in line”
- “Call me out my name”
- “Ignored them and made them work as if everything was normal.”
- “Laid off”
- “Any who have taken a leave of absence may be fired.”
- “Im a frontline worker. My employer states that the cares act does not apply to us”
- “JBS not doing its job here in tx”
- “Cornered about 84 year old father but he made it clear he didnt care”

These results paint a disturbing picture of the on-the-job experiences of workers speaking up about hazardous conditions during the pandemic.

Workers, Especially Black Workers, Overwhelmingly Report Serious Risk to Their Health or Family Member's Health

In addition to retaliatory action for raising concerns, respondents also indicated that they feared job repercussions for declining to work to protect their health or their family's health. Overall, 56 percent of those going to work did so even though they believed they were seriously risking their health or another family member's health (n=1018). This is broadly consistent with the results of a recent Washington Post-Ipsos poll of more than 8,000 U.S. adults that asked a similar question.²

Of those, 38 percent of workers reported going to work because they were afraid their employer would penalize them if they didn't.

Among Black workers, the rates are even higher. **Three out of four Black workers (73 percent) have gone to work even though they believed they may have been seriously risking their health or the health of family member.** Black and (non-Black) Latinx workers were much more likely than white workers to have gone to work even though they believed they were seriously risking their health or the health of family member (73 percent and 64 percent, respectively, versus 49 percent).³

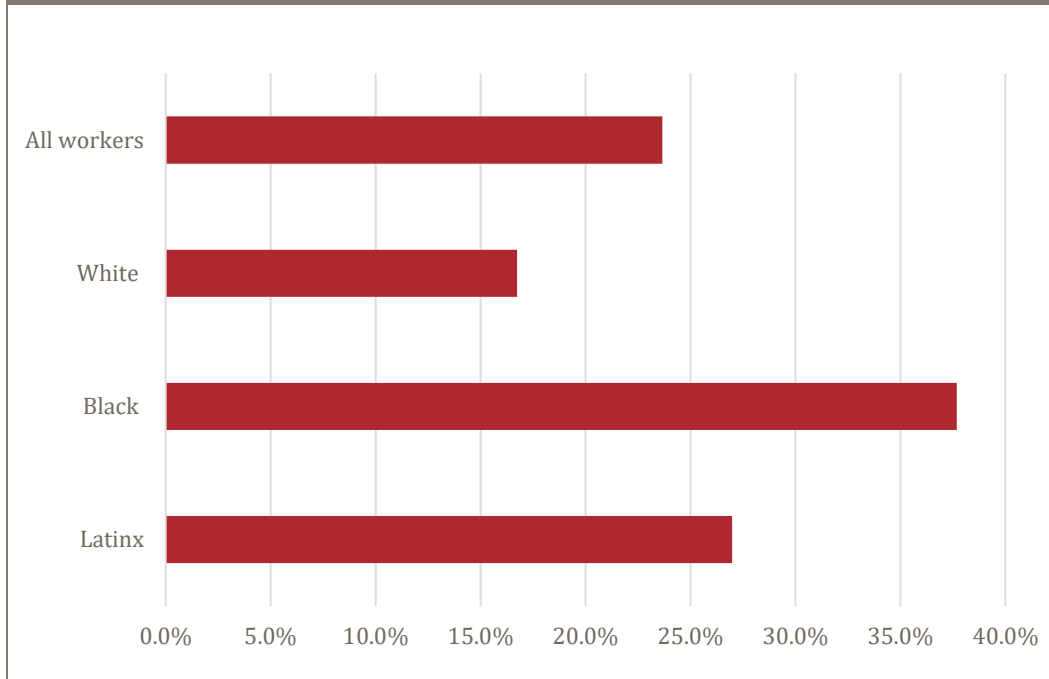
The fact that so many workers continue to report to work and endure hazardous conditions reflects the lack of an established and robust "right to refuse hazardous work" during the pandemic for workers who might otherwise decline to work in such conditions if they knew they would be protected from job repercussions. There is an urgent need for workers to be able to exercise such a right in order to protect themselves and their families.

Black Workers More than Twice as Likely to Avoid Raising Concerns for Fear of Retaliation

A majority of workers surveyed (63 percent) indicated they have concerns about the risk that they, other workers, or the public may be exposed to **coronavirus** at their workplace. Just over a quarter of the workers surveyed (27 percent) were able to raise any concerns they had with their employer and received a satisfactory response. **However, for every worker who raised concerns and had them addressed satisfactorily by their employer, another worker had unaddressed concerns, either because they raised concerns to their employer but were unsatisfied with their employer's response or because they did not raise concerns for fear of retaliation.**⁴ (See Appendix **Figure A.1** for full breakdown.)

Black workers were both more likely to have concerns (80 percent) and were twice as likely as white workers to have unresolved concerns, with more than one in three Black workers (39 percent) reporting either that they had raised concerns to their employer about COVID-19 but were unsatisfied with their employer's response, or that they did not raise concerns for fear of retaliation. By contrast, 18 percent of white workers were in the same situation (**Figure 2**).

Figure 2. Workers with unresolved COVID-related concerns in the workplace



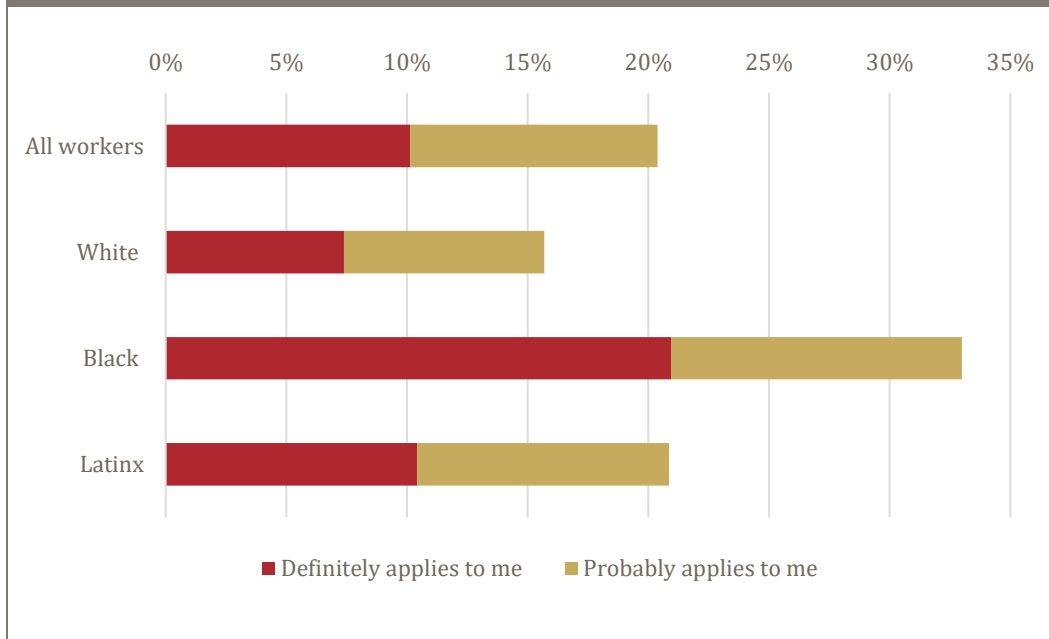
Black workers who avoided raising concerns to their employer for fear of retaliation represented 14 percent of Black survey respondents—or one in seven Black workers.

This is more than twice the average rate of 6 percent for all survey respondents. And while this 6 percent rate for all workers may appear modest, even a conservative estimate would mean that this represents 1.9 million U.S. workers (Appendix **Figure A.1**), an alarmingly high number when considering the potential implications for viral transmission.⁵ Moreover, the pervasiveness of unresolved concerns for Black workers, in particular, suggests that stronger protections under the law may be necessary in order for Black workers to effectively press for further action from their employers.

Pandemic Presents an Urgent Need for Stronger Protections

Among all workers surveyed, **one in five say that stronger legal protections from retaliations would make it easier for them to speak up about their concerns.** One in three Black workers (33 percent) indicated that this applied to them (**Figure 3**).

Figure 3. “I would speak up more at work about coronavirus job hazards if I could count on strong legal protections against my employer punishing or firing me.”



While many employers have created an environment in which workers are free to raise concerns about COVID transmission in the workplace and have responded appropriately to any concerns raised, our results imply that a substantial subset of employers has not. Retaliatory acts in the workplace can set off a vicious cycle. Perceived retaliation in the workplace can have a chilling effect on the willingness of workers to raise concerns which in turn can result in dangerous conditions worsening.

Policy Changes Are Needed to Ensure Working People Are Safe and Secure in Their Workplaces

The COVID-19 epidemic has shined a light on the unsafe and abusive conditions many workers endure. Many workers—especially Black workers—go to work even though they believe they are seriously risking their health or their families’ health. Workers do so because their employer has not adequately responded to their health and safety concerns or, even worse, they fear that their employer will retaliate against them for raising these concerns. For Black workers in particular, these beliefs are grounded in the reality that structural racism has made them especially vulnerable to contracting the virus and suffering serious complications or dying. Workers must have a voice on the job so that they do not have to choose between their health and their economic security.

Policymakers should adopt the following proposals to give workers the tools and leverage they need to improve their workplaces:

- **Just Cause/Whistleblower Protections.** Protecting worker whistleblowers is crucial for ensuring safe workplaces and controlling the spread of COVID-19. So long as workers can be fired without notice for no reason at all, workers will not feel safe

sounding the alarm about dangerous workplaces. While anti-retaliation protections can help, they are difficult to enforce when workers can be fired without warning for any reason. That's why workers need a right to secure continued employment and "just cause" employment protection, which requires employers to give advance notice and a good reason before workers lose their jobs. By shifting the responsibility to employers to show good cause before firing a worker, just cause protections give whistleblowers the security to speak up on the job and protect all of us.

- **Strong Anti-Retaliation Protections.** Workers who raise concerns about workplace health and safety conditions or practices, including communicating such concerns with other workers or with the public, must be protected against employer retaliation. Any adverse employer action taken against an employee within 90 days of that employee raising such concerns should be presumed to be retaliatory.
- **Right to Refuse Dangerous Work.** Workers should have the right to refuse to work under conditions that they reasonably believe are dangerous without retaliation. Employers should be required to correct the dangerous conditions or reassign the worker to other work, and to pay them for all hours.
- **Private Right of Action with Strong Remedies.** Workers who face employer retaliation should have a private right of action so they can enforce their rights in court. Private enforcement is essential because government enforcement agencies simply do not have the capacity to protect the large number of workers facing retaliation. Employers who break the law should face strict penalties, including treble damages and reinstatement of workers unlawfully fired.
- **Whistleblower Enforcement Actions.** As noted above, government agencies don't have the resources to protect the large number of workers facing dangerous workplaces and employer retaliation. That's why California passed the Private Attorneys General Act (PAGA)—a law that allows workers to bring public enforcement lawsuits on behalf of the attorney general and thereby permits the state to take advantage of the knowledge and resources of private actors to serve the state's interest. Other states should adopt the PAGA model so that workers can use whistleblower enforcement actions to bring about broad, systemic changes in their workplaces.
- **Unemployment Insurance.** Unemployment insurance rules should make clear that workers who quit or are fired from dangerous jobs, or refuse to work under dangerous conditions, should be eligible for unemployment benefits.

For a detailed list of state and local model policy proposals to protect workers during the COVID-19 pandemic, please see this [NELP policy brief](#).

Technical Notes

In total, 1,137 adults nationwide were surveyed between May 8 and May 11, 2020 via Google Consumer Surveys (GCS), using a modified quota sampling and frequency matching design. This design allowed us to target the subset of the U.S. workforce that had left their homes to work during the early months of the pandemic.

We compared the final unweighted data from our survey to the most recent estimates for workers in frontline industries nationwide using the Census Bureau's American Community Survey and applied weights to balance demographics for age, gender, income, and race of that workforce.⁶ The weights range from 0.12 to 3.00, with a mean of one and a standard deviation of 0.47. In order to ensure large enough sample sizes to separately report responses of key subgroups, the survey design includes **oversamples** for non-white respondents. Oversamples for workers of color yielded a total sample of 484 non-white respondents, including 193 Black respondents. Reported statistics include subgroups with a minimum sample size of 160 unweighted completed surveys.⁷

See detailed survey results [here](#).

Additional information about sampling design

GCS applies a method to match its sample demographics to the demographics of adult (18 or older) internet users in the United States, based on three demographic dimensions: age, gender, and geography from the U.S. Census Bureau's 2015 Current Population Survey (CPS) Computer and Internet Use Supplement. This sampling technique produces samples that skew white in comparison to the U.S. population.

Our design augments GCS sample matching to achieve more adequate representation of workers of color who have left home to work during the pandemic. Respondents were screened into the survey with the following question: "At any time since March 13th, have you had a paying job which required you to leave your home to work?" Those who answered, "Yes, I have left home to work," or "Yes, but I have not left home to go to work," were screened into the survey. A second screening question asked workers about their race and ethnicity. Surveys with identical content were fielded separately using that second screening question to achieve target subsample sizes based on the race/ethnicity indicated by the respondent. These subsamples were then combined to yield the full sample of 1,137 respondents. The survey was only available in English.

See **Table A.1** below for demographic and geographic breakdowns of the full unweighted sample of 1,137 respondents.

Appendix

Figure A.1. “Have you raised any concerns with your employer about the risk that you, other workers or the public may be exposed to the coronavirus in your workplace?”

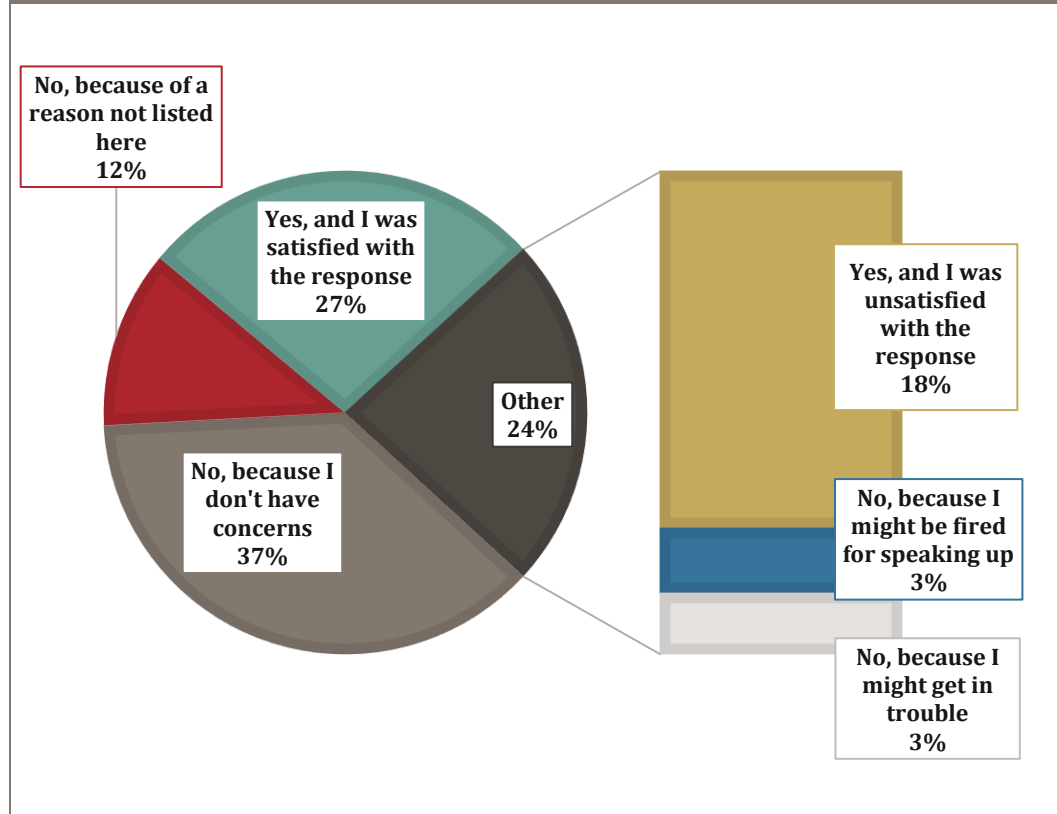


Table A.1. Respondent Demographics

Race/ethnicity	
White or Caucasian	58.30%
Black or African-American	16.80%
Latino or Hispanic	14.30%
Asian or Pacific Islander	5.30%
Other	5.30%

Gender	
Female	50.90%
Male	44.80%
Non-Binary	4.00%
Prefer not to answer	0.30%

Income	
\$10,000 to \$19,999	9.10%
\$20,000 to \$29,999	11.00%
\$30,000 to \$49,999	22.00%
\$50,000 to \$74,999	21.20%
\$75,000 to \$99,999	12.60%
Less than \$10,000	6.20%
More than \$100,000	18.00%

Age, inferred	
18-24	12.60%
25-34	22.80%
35-44	23.60%
45-54	22.80%
55-64	18.30%

Region	
Midwest	27.50%
Northeast	11.90%
South	37.10%
West	23.50%

Endnotes

¹ See [Puget Sound Naval Shipyard Worker Fired After Raising Covid-19 Concerns](#), *Kitsap Sun*, April 4, 2020; [Amazon Vice President Quits in Protest Over Company's Alleged Firings of Coronavirus 'Whistleblowers'](#), *Time*, May 4, 2020; [Health Care Workers Are Being Fired for Speaking Out About a Lack of Supplies](#), *The Nation*, April 15, 2020; and [Employees Say They Were Fired for Quarantining Themselves During Coronavirus Pandemic](#), *ABC Local 24*, April 20, 2020.

² A [Washington Post-Ipsos poll](#) of more than 8,000 adults in late April and early May found that 68 percent of those working outside of the home are concerned about the possibility of getting sick and that 58 percent are concerned about exposing members of their household to the coronavirus after being exposed at work. That poll also found higher rates for black and Hispanic workers. Roughly 7 in 10 said they were worried about getting a household member sick if they are exposed at work; this is also broadly consistent with our findings.

³ When we refer to Latinx workers in this brief, we are referring to non-Black Latinx workers. Black Latinx workers are included in the category of Black workers.

⁴ Another 12 percent had concerns but indicated that they didn't raise concerns for other unspecified reasons. The remaining 37 percent indicated that they did not have concerns. Our survey found that the rate of unresolved concerns for all workers is 24 percent, which is slightly higher than the Washington Post-Ipsos 80 percent estimate of those going to work who said they approved of how their employer was handling the coronavirus outbreak. This discrepancy could be due to the fact that we include workers who have jobs that required them to leave home but have opted not to report to work. The discrepancy could also be due to the difference in wording between the survey questions.

⁵ The Center for Economic and Policy Research estimated that 31 million U.S. workers were working in frontline industries in April.

⁶ GCS provides weighted data only by inferred age, gender, and region. We opted to use the unweighted survey microdata provided by GCS in order to ensure adequate representation by race, income, age, and gender. We followed the methodology developed by the Center for Economic Research to produce race, gender, and age estimates for frontline workers during the pandemic. See their data and methodology [here](#). We used estimates from New America to produce weights by income. See their methodology [here](#).

⁷ If results are not reported for a certain group, it does not mean that individuals from that group did not complete surveys, but rather that the sample size is too small to report separately. See [Baker et al.](#) for a discussion of measuring sampling error in non-probability samples.