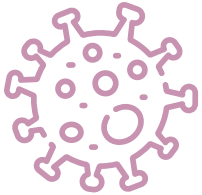


# GUIDELINES: EMPLOYER RESPONSIBILITIES AND EMPLOYEE RIGHTS DURING A PANDEMIC

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A Jewish legal and ethical perspective offers the following guidelines for employers and employees navigating increased risk in the workplace during a pandemic:

## WAGES IN A PANDEMIC

- **Employees in all contexts need to be seen as full human beings** toward whom employers bear responsibility.
- **If an employee is working in any capacity**, they should be compensated as usual.
- **The pandemic is considered a *Makat Medina* (regional disaster)**, which requires employers to bear some loss in order to remunerate employees who cannot do their work due to the disaster.
- **In a *Makat Medina***, the ideal is for employers to pay full wages, even if employees cannot work as usual.
- **If an employer is unwilling or unable to pay in full**, they should reach a *pshara* (compromise) to ensure that employees are paid some percentage of their wage while responding to the needs of employers and business owners.

## RISKING HEALTH FOR LABOR

- **Employers, in general, must provide the safest possible workplace.** In this pandemic, this includes requiring (and providing) masks, updated cleaning standards, ventilation, enforcing social distancing, etc.
- **Employment intrinsically includes risk**, and employers can ask employees to return while there remains some *limited risk* of contracting COVID-19.
- **Employers may only require employees to work** if the risk of contracting the virus is—to borrow language from Rabbi Moshe Feinstein and the Chelkat Yaakov - “slight” and “generally accepted.”
- **Defining what risk is “slight” and “generally accepted”** in the pandemic is complex. Local standards and guidelines should be utilized as well as expert scientific opinions.
- **Employees must be made fully aware** of the risk they are taking by returning to work.
- **The choice to take on risk must be made freely**; employers cannot give an ultimatum requiring their employees to return.
- **Employees considering returning to work** should weigh the native risk of the profession; their need for compensation; their individual health status; and the options available to them to work in safe or less safe environments.
- **Jewish sources require us to contextualize health risks within a larger context of communal responsibility.** We are all responsible for one another. We cannot answer these questions as single individuals or even corporations but must consider the larger effects on the community.