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United Nurses Associations of California  
Union of Health Care Professionals

**FOR IMMEDIATE RELEASE**

**Thursday, October 29, 2020**

## **AFT, AFSCME, WSNA, and UNAC/UHCP Sue Trump Admin for Shelving Standard That Would Protect America’s Healthcare Workers From Exposure to Infectious Diseases**

For more on the suit, click [here](#).

***Frontline healthcare professionals describe to the court how they have personally been affected by OSHA’s lack of a standard:***

Adye-Whitish is an emergency room nurse at a hospital in Pierce County, Washington.

At the onset of the pandemic, Adye-Whitish and her coworkers “*routinely treated patients without having ready access to masks or gowns and had no supply of N95 masks at all.*” When her employer failed to provide surgical-grade masks, she “*resorted to ... [her] community message board to get N95 masks donated.*”

Adye-Whitish’s employer eventually provided N95 masks. **But, by the time she was provided a mask that fit, she had already contracted COVID-19.** “*I am certain,*” she says, “*that my exposure came from work.*”

Six months after contracting COVID-19, Adye-Whitish is still experiencing symptoms — including heart palpitations, shortness of breath, “brain fog,” and a loss of taste and smell. **She still doesn’t have access to a suitable N95 mask.**

“*For the first time in my career I feel expendable and I am thinking of leaving the profession I love,*” Adye-Whitish says. “*My employer is unwilling or unable to follow known and understood measures for keeping healthcare workers like me safe.*”

Read Adye-Whitish’s declaration [here](#).



**Linda Adye-Whitish,**  
Registered Nurse in Pierce  
County, WA



**Judy Salesky,**  
Registered Nurse in Eastern  
Washington

Salesky is a registered nurse at a hospital in eastern Washington. She has a 22-year-old daughter who was recently diagnosed with a rare autoimmune disease that has forced her to return home from college. Because Salesky's employer maintains inadequate infection control practices, Salesky took 14 weeks of leave — the majority of which was unpaid — in order to protect her daughter's health.

Although Salesky has since returned to work, her employer has failed to consistently provide sufficient PPE and has failed to implement social distancing requirements and other safety protocols. **To protect her daughter's health, Salesky eats lunch in her car each day and plans to continue doing so throughout the winter.**

*"My anxiety about the possibility that I will contract COVID-19 and risk exposing my daughter is causing me to consider quitting for the first time in my career, despite my commitment to caring for my patients and the urgent need for nurses,"* Salesky says.

Read Salesky's declaration [here](#).

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**Laurence Rick,**  
Physician Assistant at Kaiser  
Permanente South Bay  
Medical Center in South Bay,  
California; Staff  
Representative for  
UNAC/UHCP

Rick is a physician assistant at Kaiser Permanente's South Bay Medical Center in Los Angeles, CA. He specializes in infectious disease and has, for the past 30 years, worked with management to develop and maintain Kaiser's infection control practices.

While Rick has worked to ensure Kaiser follows best practices for reducing the risk of transmission, he explains that **"in the absence of a legal requirement, many hospitals and other healthcare workplaces are not as rigorous."**

*"The lack of an enforceable standard has contributed directly to the spread of SARS-CoV-2 in healthcare workplaces and the broader community,"* Rick states. *"[R]equirements regarding fit testing, replacement of saturated masks, and other well-understood protective measures would have significantly safeguarded the millions of healthcare workers who have been treating patients afflicted by COVID-19."*

Read Rick's declaration [here](#).

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**Beth Cohen,**  
Registered Nurse at Virtua  
Memorial Hospital in Mt.  
Holly, NJ and Local Unit VP  
for HPAE

Cohen is a registered nurse at Virtua Memorial Hospital in Mt. Holly, NJ, and is vice president of her local unit of Health Professionals and Allied Employers.

Since the pandemic began, Cohen’s employer has failed to protect its frontline workers. In March and April, her employer decided, as one example, that eye protection was not necessary for most procedures. *“As a result,”* Cohen says, *“we would work with patients known or suspected to have COVID-19 with only a paper mask as protection.”*

**After treating a heavily symptomatic patient suspected of having COVID-19 in early April, Cohen developed symptoms two days later – which have persisted ever since.** Cohen’s cardiologist believes she contracted COVID-19. She’s developed asthma, pericarditis, and other cardiac issues, and her symptoms have caused her to miss nearly eight weeks of work, including 4 weeks out on disability per her cardiologist’s orders. Cohen fears exposing her five children, most of whom live at home with her, to COVID-19.

Read Cohen’s declaration [here](#).

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**Danielle O’Toole,**  
Registered Nurse at Tacoma  
General Hospital in Tacoma,  
WA Local Unit Chair for  
WSNA

O’Toole is a registered nurse in the intensive care unit at Tacoma General Hospital in Tacoma, WA. *“Unfortunately,”* O’Toole says, *“our employer is not taking necessary steps to protect my colleagues and our patients from the risk of COVID-19.”* She and her coworkers have, for example, not been provided N95 masks and other protective equipment, and nurses care for both COVID-19 patients and non-COVID-19 patients simultaneously in the same shift.

*“At a personal level,”* O’Toole says, *“the daily risk that I and my colleagues face is deeply upsetting. I have three children and am the breadwinner of my family. I genuinely do not know how we would provide for our family if I were to become disabled due to COVID-19.”*

Read O’Toole’s declaration [here](#).

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## ***Union leaders detail how OSHA’s unreasonable delay in rulemaking has harmed their members:***



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**Randi Weingarten,**  
President of AFT

Weingarten explains that AFT’s 150,000 members in the healthcare sector “work in settings that pose a high risk for communicable and infectious diseases” — like hospitals, clinics, correctional facilities, schools with students with special needs, and more.

Amid the pandemic, she says that “failure to act and the shortcomings at healthcare workplaces across the country — from hospitals to nursing homes to correctional facilities — have jeopardized the health of our healthcare members and their families like never before.”

Countless AFT healthcare members have contracted COVID-19, and at least 13 members have passed away as a result of the virus.

Read Weingarten’s declaration [here](#).



**Dalia Thornton,**  
AFSCME Director of the  
Department of Research and  
Collective Bargaining

Among other things, Thornton explains how the lack of an Infectious Disease Standard makes it significantly harder for AFSCME to get employers to improve their practices.

“When we deal with issues where statutes or regulations compel employers to meet a certain standard,” Thornton says, “we are usually able to convince employers to follow the law and take the necessary steps to protect our members’ health. .... But when we can only point to non-binding guidance, it is far harder to improve an employer’s practices.”

At least 118 AFSCME members have lost their lives to COVID-19.

Read Thornton’s declaration [here](#).



**Sally Watkins,**  
Executive Director of  
WSNA

Watkins says that WSNA works on behalf of its over 17k members across Washington state to improve employers' infection control practices but that, in the union's experience, *"many employers will do the minimum required by federal or state law."*

She notes that WSNA's *"efforts would be substantially easier if OSHA had issued enforceable standards regarding airborne infectious diseases at healthcare workplaces."*

Many WSNA members have contracted COVID-19, and at least one has passed away from COVID-19 or related conditions.

Read Watkin's declaration [here](#).



**Denise Duncan,**  
President of UNAC/UHCP

UNAC/UHCP represents more than 32,000 registered nurses and health care professionals throughout California and Hawaii.

Duncan states that without an enforceable standard to protect UNAC/UHCP's members from most infectious diseases, "employers are often far less cooperative and more oppositional" when UNAC/UHCP works to address members' concerns about inadequate protection protocols.

*"The lack of standards and the resulting lapses at our members' workplaces have had predictable and tragic consequences as our members have contracted COVID-19,"* Duncan says.

Read Duncan's declaration [here](#).