

The Right to Refuse Unsafe Work: Empowering Workers to Choose Life and Livelihood in an Era of Climate Change

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By *Anastasia Christman*

Executive Summary

With the climate crisis accelerating, workers in every state will increasingly face natural dangers in the workplace. The right to refuse dangerous work as it currently exists in the Occupational Safety and Health Act is both too vague and too onerous, requiring individual workers who feel impending danger to speculate about the mindset of others and second-guess their own knowledge and to remain in danger's path until company management deems evacuation prudent. The right to refuse dangerous work under the National Labor Relations Act similarly requires workers to collect "ascertainable, objective evidence" of risk—an unsafe choice in the face of oncoming danger. In both cases, the risk of discipline, wage loss, and even termination compels workers to make decisions destined to have terrible outcomes.

Black and Latinx workers in particular have been sorted into jobs that make these dangers an increasingly daily reality.

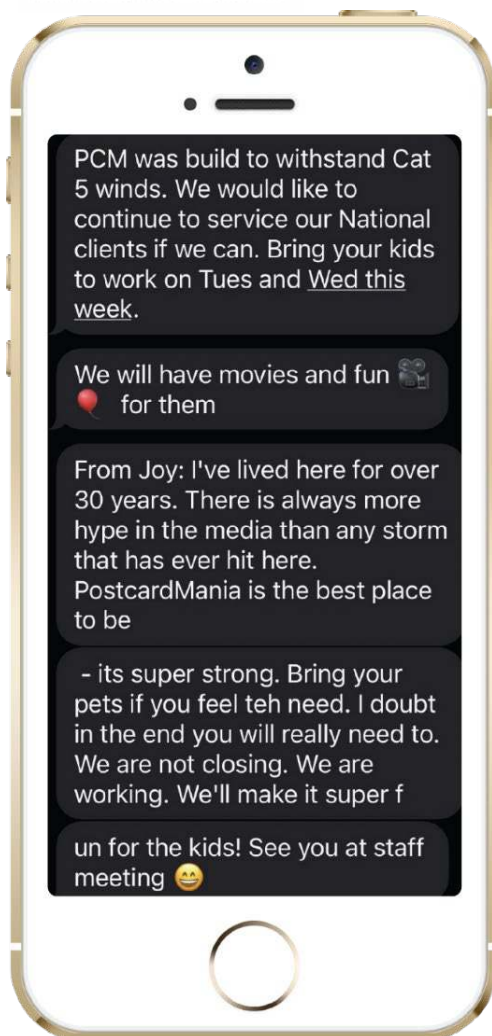
- Using data provided by the Bureau of Labor Statistics, we can estimate that nationally approximately 38.7 million workers are employed in industries that can routinely place them at risk from climate dangers.
- Nationally, just under 22 percent of white workers are employed in at-risk jobs, while 25.5 percent of Black workers are in these industries, as are 36 percent of Latinx workers.
- In 14 states, Black workers face at least a 30 percent chance of being in an at-risk job. Latinx workers have a 30 percent chance or higher of working at-risk jobs in all but 11 states.
- Workers with the fewest resources to heal from workplace illnesses and injuries—the underpaid and the uninsured—are most likely to experience harms during natural dangers.

- Climate change is resulting in more frequent and more volatile natural dangers that build upon one another to create compounding workplace dangers for those in at-risk jobs.
- By design, the Occupational Safety and Health Administration is underfunded and understaffed and cannot alone keep workers safe in a natural emergency with after-the-fact reactive enforcement mechanisms.

In the environment we face now, workers need more than 20th century health and safety regimes to keep themselves safe. There must be a rebalancing of power so that workers can exercise more autonomy over their workplace safety. They must have a real right to refuse dangerous work in the face of natural disasters, and it must be supported with job-protected rights to paid leave, anti-retaliation provisions with meaningful penalties for noncompliance, and expansive unemployment insurance benefits.

Introduction

Photo: Facebook/Postcardmania



This was the text message that employees of Florida-based Postcardmania received from their boss as officials were issuing warnings and evacuation orders for Hurricane Ian in September of 2022.¹ Some who were gathered in a corporate conference room watched a video of the CEO calling the storm a “nothingburger” and were asked to raise their hands publicly if they were afraid of the danger.² This was a storm that killed 148 people, 80 percent of them as a result of flooding, wind, and dangerous storm conditions.³

While these comments from Postcardmania’s leader made headlines, workers all over the country facing climate emergencies are forced to choose between recommended safety measures and bringing home a paycheck. In Texas, a rideshare worker died when historically high flood waters swept her car off a bridge.⁴ Workers in a Kentucky candle factory were threatened with termination if they left work to seek shelter as a tornado bore down on them; eight died in the collapsed facility.⁵ A farmworker and a construction worker both died on the job doing strenuous outdoor work during a record-breaking high heat event in Oregon.⁶ In California’s wine country, agricultural workers paid by the piece feel pressured to ignore wildfire evacuation orders to show up to work to irrigate crops in the midst of

dangerously high levels of wildfire particulate matter.⁷ A 2017 survey of workers showed that more than half of respondents faced disciplinary action or termination if they didn't come to work during a Florida hurricane.⁸

On paper, health and safety laws give workers the ability to alert regulators to unsafe working conditions without retaliation and to decline to do their jobs until unsafe conditions are rectified. Section 11(c) of the OSH Act provides protections for whistleblowers, a right that was theoretically affirmed in a 1980 Supreme Court decision that said that employees can refuse to work when there is a reasonable fear that death or serious injury might occur. However, in practice these rights are so weak and underenforced as to be meaningless. Whistleblowers may have to forgo wages and endure long waits to see redress for unjust discipline or termination. The right granted by the Court comes with onerous conditions for workers, not least of which is the requirement to stay at the worksite unless told to leave. These protections offer little recourse to workers facing an immediate threat from a tornado, a heat wave, rising flood waters, or a wildfire.

This dilemma will get still worse for workers. According to Climate Central, in 2022 approximately half of the country experienced 15 or more days made hotter than average because of climate change. They note that heavy rainfall events have become 55 percent wetter in the Northeast and 42 percent wetter in the Midwest. At the same time, last summer more than half the contiguous United States was experiencing a drought—prime conditions for rampant wildfires and airborne particulate matter.⁹ The Federal Emergency Management Agency's National Risk Index shows that there is no state that is completely safe from all listed climate disasters like wildfire, flooding, heat and cold waves, tornadoes and hurricanes, or drought.

The segregation of Black, Latinx, and immigrant workers into outdoor occupations (including agriculture, waste and remediation services, and construction) puts these workers in increased physical danger. Numerous studies show that workers of color are more likely to fall ill, be injured, or die because of exposure to environmental hazards.¹⁰ Too many policymakers confronted with climate change continue to prioritize “the good of the economy” over the safety of people, but workers are speaking out—and walking out—demanding that employers recognize their lives have value. It's time we take a moral stand to support them in their call for basic workplace human rights.

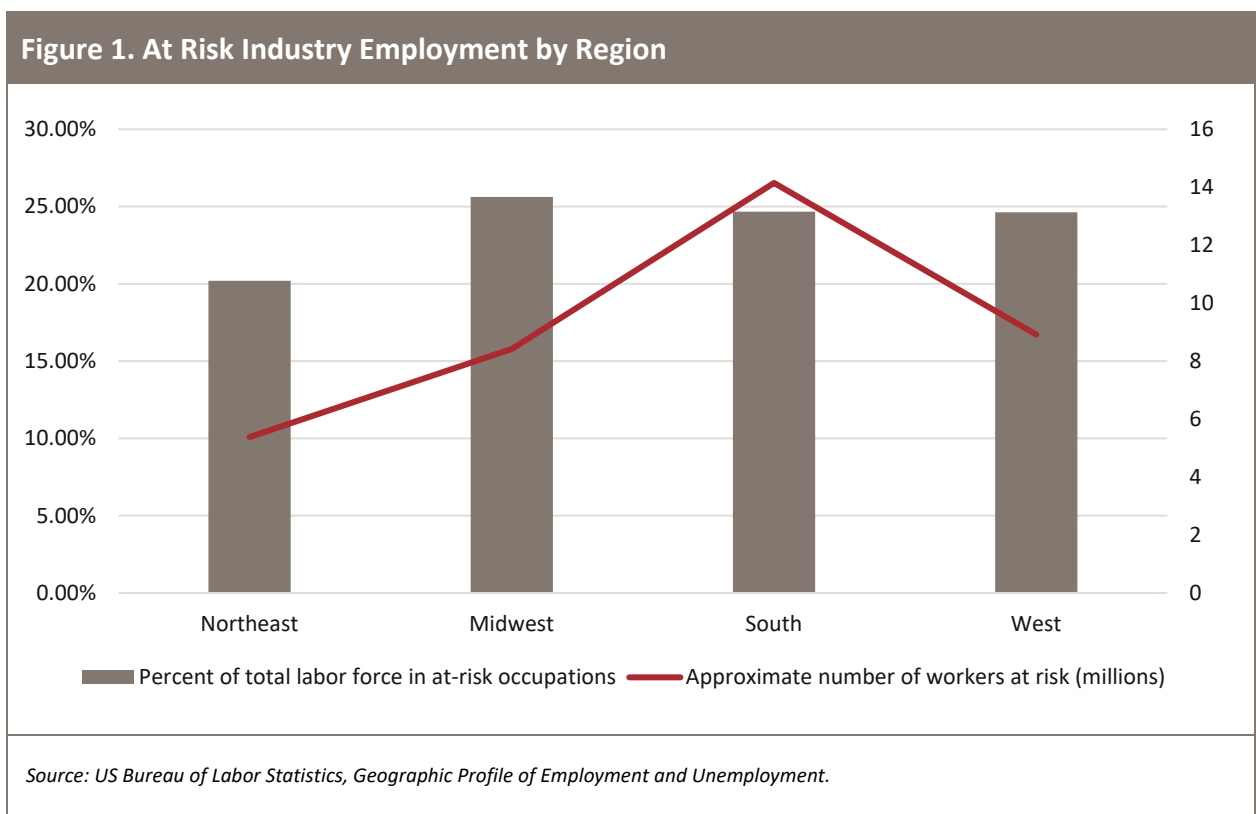
All workers must have the right to refuse risky work during natural and man-made emergencies and disasters without fearing discipline or termination for putting their safety first. To confidently avail themselves of this right, they need commonsense supports like job-protected paid time off, access to unemployment benefits, and vigorous enforcement of protections by public agencies.

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How Many People Are Affected and Where?

Between 20-25 percent of workers in every region of the United States are employed in industries that can expose them to climate dangers.

Using data provided by the Bureau of Labor Statistics (BLS), we can estimate that nationally, approximately 38.7 million workers are employed in industries that can routinely put them at risk from climate emergencies.¹¹ More than one-fifth of workers tracked by the BLS are employed in these at-risk industries. The highest rate is in Mississippi, where almost 31 percent of the state’s workers are in these fields, while Massachusetts has the lowest rate, at 14.5 percent. In every region, these jobs account for a significant proportion of the total workforce.



But workers are speaking out about workplace dangers from environmental hazards:

- UPS workers call the company’s Mid-Atlantic distribution centers “infernos” on days with high heat.¹²
- Voodoo Donut workers in Portland, Oregon, walked out of 100-degree kitchens and were illegally fired for it.¹³
- In Detroit, McDonalds workers left a workplace that was “hot like an oven,” and farmworkers are speaking out to demand humane treatment, reporting that despite collapsing and vomiting in the fields “bosses keep pushing and pushing.”¹⁴

- Workers and advocates express outrage that during the tornadoes that devastated six states in December of 2021, 14 of their colleagues were killed and dozens more were injured when factories and warehouses took direct hits and ceilings collapsed.¹⁵
- In Indiana, Walmart warehouse workers have publicly protested freezing conditions during winter cold.¹⁶
- In Seattle, outdoor workers like those employed at nurseries or by companies servicing airplanes have raised concerns about breathing smoke and particulate matter for hours at a time during wildfire season.¹⁷

As the climate crisis continues to shift baseline conditions, more workers find themselves in workplaces or on sites that put them in danger, and increasingly they are sounding the alarm that employment practices are failing to address these hazards.

Who Are the Workers Affected and in What Occupations?

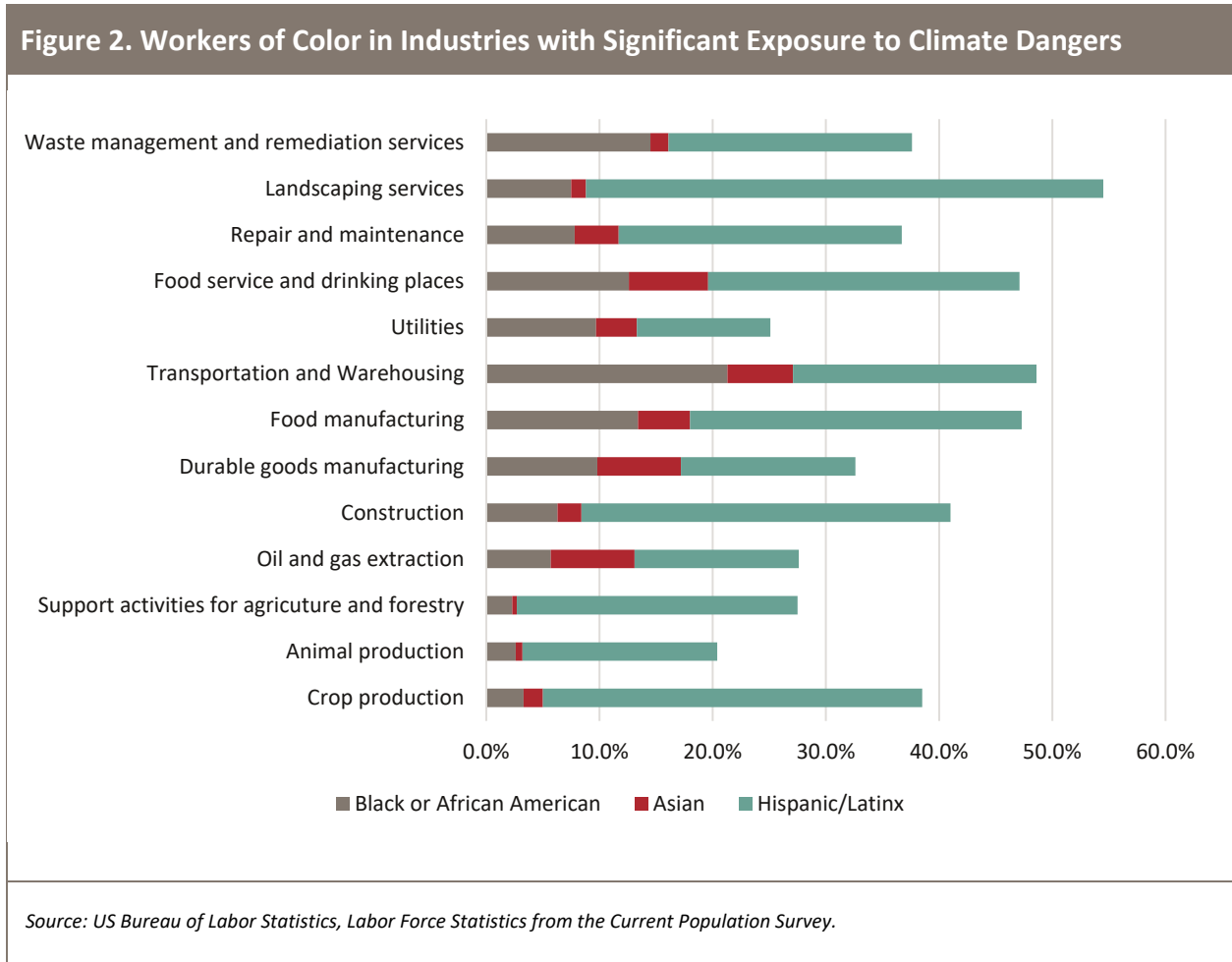
Industries that expose employees to environmental hazards employ significant numbers of Black workers and workers of color.

Longstanding systemic biases combine to concentrate Black and immigrant workers into jobs that target them for increased risk during climate emergencies. Occupational segregation and occupational crowding both function to push workers of color into work that is characterized by low wages, few benefits, and unsafe working conditions.¹⁸ Work that exposes people to environmental hazards, especially outdoor work, has always been strongly coded by race and class in the United States. White supremacist notions of race and work have asserted that white workers are uniquely vulnerable to heat and must be protected while claiming that Black workers are invulnerable to it, that Asian workers easily and rapidly assimilate to high temperatures and become invulnerable, and that workers from Central and South America are naturally suited to heat and thrive in it.¹⁹

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Centuries of this systemic bias mean that Black workers and other workers of color comprise significant proportions of the workforce in many industries that expose workers to climate dangers. According to Department of Labor data, in 2021, Black workers constituted 12.3 percent of the total U.S. workforce, but 13.4 percent of workers working in food manufacturing plants that are too often cold and poorly insulated, 14.5 percent of employees in waste management trucks and processing centers, 12.5 percent of workers in the hot kitchens of food services, and 21.3 percent of those navigating impacted streets in transportation jobs. Asian workers account for 6.6 percent of the overall workforce but were overrepresented on the derricks and fields of oil and gas extraction (7.4 percent), in the facilities housing durable goods manufacturing (7.4 percent), and in food service (7 percent). And Latinx workers (18 percent of the overall workforce) were overrepresented in nearly every industry vulnerable to environmental hazard that we assessed, including comprising

21.5 percent of waste management workers, 24 percent of workers doing support activities for agriculture and forestry, and nearly 46 percent of landscaping services.²⁰



Within industries, some occupations carry more risk from climate dangers than others.

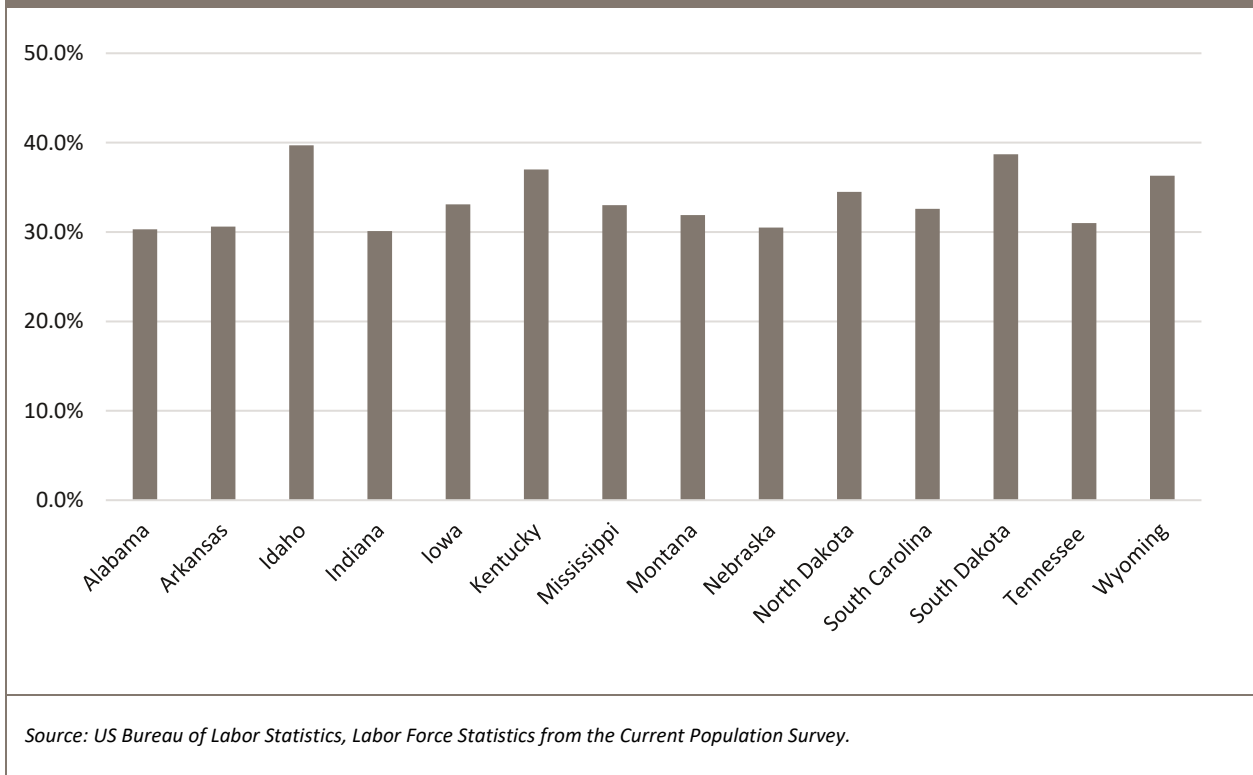
While industry data can give us a general idea of the racial differences in exposure risk, the extent to which a worker is endangered by natural hazards can be more strongly determined by their occupation within an industry. In other words, the type of work assignment one has may have a greater influence over time spent outdoors or otherwise exposed to climate dangers and how physical requirements might exacerbate exposure dangers. For example, within agriculture, a farmhand or a semiskilled grain farmworker may have a critical risk of heat stress due to heavy workloads, exposure to high levels of temperature and humidity, and sun radiation. But a poultry farmworker may perform equally heavy work but have some protection from direct sun. Similarly, within construction, a roofer, who generally must work during clear and dry weather in often restrictive physical positions, may face greater dangers than a construction worker using a forklift.²¹ This kind of variability means that industry-by-industry standards may be insufficient to keep the majority of workers safe in a rapidly changing climate.

For our occupational analysis, we focused on job categories that are most likely to entail outdoor work or work in the type of large facilities that worker accounts and recent media coverage indicate are often unsafe from climate dangers.²² We chose to leave out some occupational categories like administrative workers and those in business and financial operations who tend to work in office buildings that may protect them from the harshest effects of natural disasters. However, it is important to note that recent research finds that workplace injuries increase even for these workers when temperatures rise.²³ Furthermore, the Environmental Protection Agency has warned that increased flooding dangers are likely to cause property damage and transportation challenges such that regardless of occupational duties, workers may not be able to get to work at all as roads flood, traffic delays increase, and public transit is impacted.²⁴

Occupational segregation and occupational crowding put Black and Latinx workers at greater risk from climate dangers than white workers.

Even within industries, systemic bias works to limit employment opportunity for workers of color in multiple ways.²⁵ Some firms engage in racist hiring practices, assigning negative stereotypes to Black applicants and excluding them from higher-wage and safer jobs. Some assume docility from immigrant workers who may lack official work authorization and therefore crowd them into demanding physical jobs. As a result, workers of color are sorted into jobs that put them in harm's way as climate-related dangers increase. As noted earlier, nationwide just under 22 percent of white workers are employed in at-risk jobs, but the national average for Black workers is 25.5 percent. In many states, the chance that a Black worker finds themselves in an at-risk job is more than three in ten.

Figure 3. Percent of Black Workers in At-Risk Jobs

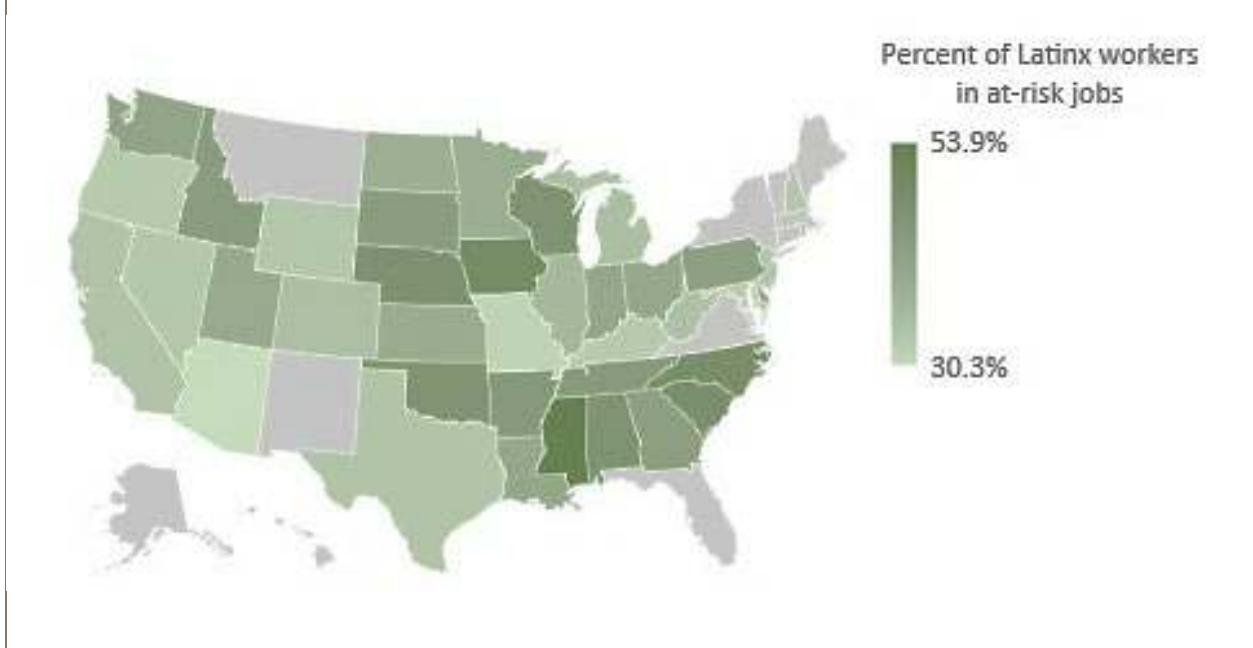


Latinx workers in the BLS survey have almost a 36 percent chance of being in occupations that place them at risk from natural disasters. In numerous states, the chance is greater than two out of five that they are employed in these occupations.

Even in states where the overall population of Black workers is relatively small, they may be clustered into these positions at a higher rate than their share of the overall population, suggesting that occupational segregation is pushing them into riskier work. For example, in Kansas, where the BLS counted 68,000 Black workers, almost one in three have a chance of being in a job that puts them at risk from climate dangers (27.7 percent), while their white counterparts have a 23.1 percent chance of being in an at-risk job.

Nationally, Latinx workers in the BLS survey have almost a 36 percent chance of being in occupations that place them at risk from natural disasters. In numerous states, the chance is greater than two out of five that they are employed in these occupations. In Iowa, a Latinx worker has a 50-50 chance of laboring in an at-risk job, and in Mississippi almost 54 percent of occupations filled by Latinx workers are at-risk ones.

Figure 3. Percent of Latinx Workers in At-Risk Jobs



Source: US Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey.

Environmental hazards target underpaid workers first and foremost.

Several studies have found that Black, Latinx, and immigrant workers experience far greater numbers of workplace injuries than their white counterparts.²⁶ Black and Latinx workers are not only unjustly put into greater danger in these jobs, but the oversupply of workers in crowded occupations and aggressive anti-union campaigns by employers can result in lower wages and fewer benefits that compound the damages they suffer as a result of climate dangers. A study of the economic impact of increased heat, for example, found that in the coming decades Black workers are likely to lose \$5.2 to \$7.5 billion in earnings due to cut hours and injuries or disease, and Latinx outdoor workers will lose \$11.2 to \$16.1 billion in pay by mid-century.²⁷

They also have fewer resources to heal from the physical results of working in heat, high winds, smoke, or fetid water. The 20 U.S. occupations least likely to have health insurance are also among those that put workers in danger from environmental hazards, including roofers, farmworkers, cement and brick masons, cooks, dishwashers, and grounds maintenance workers.²⁸ Looking at just one manifestation of climate change, a study of California workers' compensation claims concluded that injury risk rises 5 to 7 percent on a day between 85 and 90 degrees versus a 60-degree day, and that a day over 100 degrees results in a 10 to 15 percent increase in injuries. The authors found that while environmental heat naturally affected outdoor workers, injuries also increased in indoor industries like wholesale trade, accommodation and food services, food processing, textiles, and apparel manufacturing.

Furthermore, they estimated that workers in the lowest quintile for wages experienced five times as many heat-induced injuries as those in the top quintile.²⁹

These discrepancies have surfaced in a worker survey conducted by the Rand Corporation as well. Nearly 42 percent of all workers reported being exposed to very high or very low temperatures, and 23.5 percent said they had to breathe smoke, fumes, or other airborne hazards. Among men without a college degree, more than three-fourths reported they often worked in harsh environmental conditions, including extreme temperatures or poor air quality, as opposed to one-third of college-educated workers.³⁰

Photo: Badger Australia



Solutions: Empowering Workers to Make Life-or-Death Decisions

Workers need more than 20th century solutions for health and safety in the era of climate crisis.

Given the 21st century environmental crisis we face, workers need new tools to protect themselves on the job. Congress created the Occupational Safety and Health Administration (OSHA) in 1970 with the radical notion that the government had an obligation to keep workers safe on the job and that employers had to provide workplaces free from hazards that were likely to cause injury or death. Indeed, millions of workers have been saved from dismemberment, lethal falls, chemical exposures, and numerous other hazards since its creation. But OSHA has always been subject to the vagaries of politics; business-friendly politicians posture by trimming the agency of its more aggressive enforcement tools and starving it of funding.³¹ In 2022, the agency had one inspector for every 81,247 workers and had only a \$4.37 budget to protect each of them.³² Additionally, many have long observed that the monetary penalties employers incur for harming and even killing workers are so low as to become a reasonable cost of doing business rather than a deterrent.³³

OSHA has increasingly relied on systems seeking consensus between workers and employers after lengthy back-and-forth dialogues, treating safety like any other labor-management issue centered on costs and benefits. Safety becomes a commodity, and workers' lives are a line item in the ledger.

In 2020, NELP calculated it would take the agency 165 years to inspect each workplace under its jurisdiction even once.³⁴ As a result, OSHA has increasingly relied on systems seeking consensus between workers and employers after lengthy back-and-forth dialogues, treating safety like any other labor-management issue centered on costs and benefits. Safety becomes a commodity, and workers' lives are a line item in the ledger.³⁵ In this structure, workers who report safety violations are challenging not only a discrete workplace practice, but also the foundational premises of at-will employment and the neo-liberal inclination to "save the economy" over worker considerations.

The OSH Act compels the agency to draft protections for single threats at a time: for instance, exposure to a particular chemical or protection from excessive heat. The process of creating new OSHA protections is notoriously complicated and slow,³⁶ hampered by bureaucratic roadblocks designed by business-funded politicians and stagnant budgets.³⁷ Decision papers are drafted, economic feasibility studies are conducted, federal agencies are consulted, employers are negotiated with, an economic flexibility analysis is completed, rules are drafted and redrafted (as are letters of interpretation), and at long last workers can file complaints about this singular workplace danger. In the words of some researchers, in the context of climate change this pace of creating health and safety regulations "spells doom in a scenario where urgent action is necessary."³⁸ In 50 years, the agency issued only 32 new standards, one of which alone took 19 years and then resulted in fewer inspections than before the standard was finished.³⁹ (The investigation process can be similarly complex and slow, and because workers have no right to pursue complaints in the courts, they may not see redress until long after their illness or injury occurred, if at all.)

This “single file” model is not how workers experience threats to their safety during an environmental disaster. Hot temperatures can increase the dispersion and absorption of pesticides or airborne pollutants; floodwaters can carry bacterial agents and pollutants; tropical storms that bring excessive rain may also come with lightning strikes; drought can accompany excessive heat but also increase toxic dust storms; wildfire smoke may carry carcinogenic chemicals; and every type of extreme weather can cause significant mental stress and even post-traumatic stress disorder for workers who are exposed to its dangers.⁴⁰

Workers need and deserve protections that give them the power to assess a dangerous situation as it unfolds and to make a determination about the wisdom of continuing to work in that context. These protections need to reflect how environmental disasters are experienced by workers at the worksite, and they must be capacious enough to address multiple disasters whether they are concurrent or sequential.

OSHA’s right to refuse dangerous work is simultaneously too vague and too narrow to help workers protect themselves.

The OSH Act does grudgingly admit that “occasions might arise when an employee is confronted with a choice between not performing assigned tasks or subjecting himself to serious injury or death arising from a hazardous condition at the workplace.”⁴¹ In 1974, workers walked off the job in a Whirlpool factory after a colleague died on unsafe equipment, and six years later the Supreme Court ruled that they had the “freedom to withdraw from a workplace environment that [they] reasonably believe is highly dangerous.”⁴² Further, Section 11(c) of the Act says that employers cannot fire them or discriminate against them for exercising this right.

However, to exercise this limited right to refuse dangerous work, the worker needs to know the right exists—mandatory workplace posters at worksites don’t refer to it—and more significantly, what the right is. Problematically, the existing right to refuse dangerous work is couched in language that underscores the precarious and unequal position of the worker and the employer. The worker is asked if they “refused to work in good faith” and “genuinely believed” that the danger was imminent, and then must assess whether “a reasonable person” would agree that the danger was real. This language serves to underscore the workers’ vulnerability, pits one person’s interpretation of the situation against those of their co-workers, and encourages second-guessing the knowledge and authority they have accrued on the job. And then, even in the case of impending floods, storms, heat waves, tornadoes, or wildfires, workers who have refused unsafe work are instructed by regulators to remain at the worksite “until ordered to leave by your employer.”⁴³

It’s little wonder that worker advocates often recommend to workers that they refuse unsafe work along with colleagues such that it can be considered concerted action and become a matter for the National Labor Relations Board to address as protected activity. Others advise consideration if the issue might also be a violation of civil rights or environmental regulations so that attorneys could appeal to different, potentially more effective, statutes.⁴⁴ However, it must be noted that section 502 of the National Labor Relations Act also calls on unionized workers to channel health and safety experts in determining if workplace conditions are “abnormally” dangerous, and the Supreme Court requires that determination to be backed up by “ascertainable, objective evidence.”⁴⁵

A small number of OSHA’s industry-specific standards include “stop work authority” clauses, allowing workers to call for workplace operations to cease in the face of imminent dangers. A study of one such provision in the dairy manufacturing industry found that workers believed the stop work authority was among the best protections they had, but also that without real confidence that they would not be disciplined or fired for using it, workers chose not to exercise the authority even when the situation called for it.⁴⁶

Workers should have the tools to define “unsafe work” during a climate disaster.

Some have suggested that we shift our perspective and more deeply embrace the “general duty clause” of OSHA: make employers affirmatively prove that they have created safe and healthful workplaces and lessen the burden of proof for workers from requiring “ascertainable” evidence of “abnormally” unsafe conditions to allowing workers to simply assert that the employers weren’t meeting their duty.⁴⁷ Others call for fines and penalties that more accurately reflect the value of human life and will serve as a true deterrent to businesses who would otherwise cut corners to improve profit at the cost of workers’ health and safety. Both are important reforms of the current regulatory regime that would improve employer compliance. But workers must also be able to exercise self-determination when it comes to their own survival during a climate emergency.

A few lawmakers are recognizing that we need a rebalancing of power so that workers can exercise more autonomy over their workplace safety. Last month, a California law went into effect that prohibits employers from threatening workers if they refused to report to work or stay there if there was imminent danger from an emergency caused by “natural forces.”⁴⁸ After Hurricane Irma hit Miami-Dade County in 2018, lawmakers there passed a similar ordinance making it illegal for employers to retaliate or otherwise threaten workers who complied with county evacuation orders or other emergency orders.⁴⁹

Workers need strong supports to exercise the right to refuse dangerous work, including job-protected paid leave and expansive unemployment insurance benefits.

Workers—especially those in underpaid jobs—need to know that if they choose safety, they are not risking personal financial disaster.

Paid Leave: Workers will not feel confident exercising the right to refuse dangerous work without strong supports in other areas of policy as well. First and foremost, workers—especially those in underpaid jobs—need to know that if they choose safety, they are not risking personal financial disaster. While not specifically addressing the right to refuse work in a climate disaster, in 2022 Oregon did expand the use of paid sick time to include situations when a worker’s home or workplace is in an emergency evacuation area or when air quality or heat indexes pose threats to worker health.⁵⁰ And in Sonoma County, California, workers won a cash relief fund from county executives that will provide disaster insurance for workers in underpaid industries like agriculture, construction, retail, and tourism regardless of immigration status.⁵¹

At the federal level, Representative Cori Bush has introduced a bill providing for employment protection and paid emergency leave for workers impacted by climate disasters. The bill recognizes that during and immediately after a natural disaster, workers may need to evacuate, care for family members who have been injured or made ill, care for family members when schools or other

care facilities are closed, or may be unable to get to work if public transit services or commuter routes are impacted but will also need pay for lost hours.⁵² In many respects, this bill mirrors the protections extended for federal employees as part of the American Rescue Plan passed by Congress in 2021, which created an emergency paid leave fund that federal employees could access if they required time off during the COVID-19 emergency.⁵³ Many states have similar provisions for their direct employees in cases of natural disasters and states of emergency.⁵⁴

The Families First Coronavirus Response Act (FFCRA) also provides a key case study for how paid leave supported workers who chose personal safety and care for their families during another type of crisis. Exemptions to the FFCRA meant that millions of underpaid workers were exempted from its paid leave provisions, and too many workers were unaware of its provisions even if they did qualify, but nonetheless the payments helped tens of millions of workers to stay afloat even when staying home from work was the prudent health and safety option.⁵⁵ Importantly, workers were eligible for these funds regardless of immigration status.

Unemployment Insurance: Similarly, workers need strong unemployment benefits programs to help close financial gaps in the aftermath of a natural disaster, especially if they feel that returning to work might be unsafe. Under current practices, Disaster Unemployment Assistance (DUA) has serious shortcomings that make workers' wellbeing even more tenuous as they try to recreate their lives after an environmental disaster. Rules mandating that they appeal first to state unemployment systems before collecting federal benefits coupled with onerous filing timelines and requirements undercut the effectiveness of the benefit when workers' lives may be in shambles. Some states require "waiting weeks" while others impose strict rules about active work searches, neither of which reflect the reality of life after a hurricane, tornado, flood, winter storm, or wildfire.⁵⁶ And if a particular climate-induced hazard such as a heat wave does not rise to the level of an emergency declaration, DUA would not apply at all.

If workers who have refused unsafe work do qualify for unemployment insurance, they need to know that they will not be compelled to accept another job that doesn't protect them from environmental disasters or else lose their benefits. Under the Pandemic Unemployment Assistance program, workers were able to decline work that "present[ed] any unusual risk to the health, safety, or morals of the individual."⁵⁷ However, current general unemployment insurance program rules assume that workers must accept "suitable work" when it is offered, a term largely defined by states, and whose protections weaken as a worker's job search progresses. As a result, too many workers—in particular, workers of color and people with disabilities—may in effect find themselves forced to shift from one unsafe workplace to another.⁵⁸ Federal unemployment insurance rules include a directive outlining the "prevailing conditions of work" that acknowledge that workers should not have to accept substandard job offers, including those where health and safety protections are not meeting this standard. But without stronger requirements that states honor this provision, workers may be unjustly disqualified from further unemployment benefits for choosing self-preservation in an era of climate change.⁵⁹

Conclusion

In the era of climate crisis, when workers face natural disasters, they need a flexible and fair right to refuse dangerous work without fear of losing their livelihood in order to save their lives. This right must recognize that in an evacuation context, for example, refusal might have to come before they even leave their homes. In a workplace that is dangerously hot (or cold), or where flooding is imminent or there is the real possibility of a roof collapsing, workers should not have to stay onsite while bureaucratic systems play out. To ensure that workers feel comfortable availing themselves of this right, it must come with supports like job-protected paid leave and anti-retaliation provisions with meaningful penalties for noncompliance. And as a backstop for workers, the unemployment insurance system must improve the scope and implementation of Disaster Unemployment Assistance so that it is a true support in the wake of a disaster. Finally, the unemployment insurance system must take environmental hazards and employer practices into account when defining “suitable work” offers for those seeking to recover from natural dangers at work. These policy reforms would be an important step toward meaningful acknowledgment that workers’ lives are more important than keeping businesses open during disasters for the sake of corporate profits.

Photo: SEIU Local 2015



Endnotes

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