Bargaining a Safe and Healthy Return to Office

Susan DeCarava, NewsGuild President
Marina Jabsky, NYCOSH
Chris Brooks, Guild staff
Riley Fields, Meredith Union
Current lay of the land:

- 24 shops currently in bargaining -- 16 for a first contract.
- 8 more additional shops about to be in bargaining, all for a first contract.

No Guild employer is still pushing a September RTO date! Many have now pushed RTO back to October, several others have pushed back indefinitely or until January 2022.

Vaccine mandates:

Employers should indefinitely delay any return to the office for three reasons:

1. Employers have a legal obligation to bargain with their union employees over any return to the office.

2. Employers have a legal and moral obligation to ensure the health and safety of their employees.

3. Employers have a social responsibility to not contribute to community transmission, which is currently surging across New York.
Returning to the office is a mandatory subject of bargaining and a status quo issue.

We do not have to agree to piecemeal bargaining: Unless we explicitly agree otherwise, any tentative agreement on a return to office proposal will not go into effect until the entire contract is ratified.

Under NY Hero’s Act, employers must provide employees with an extensive workplace safety plan by September, 2021 and employees have the right to form health and safety committees. The union should bargain over both of these.

Trump Board’s 2019 *MV Transportation* ruling complicates things, but we will still fight!
What to **NOT** focus on in bargaining (resist hygiene theater):

- Partitions between desks.
- Surface cleaning.
- Taking temperatures before entering the building.
- Symptom reporting apps.
What to focus on in bargaining:

- Support for mandatory vaccination, but emphasizing it must be properly negotiated as part of a larger plan. Mandatory vaccination cannot be the sole protection afforded by an employer to returning Guild members.
- We want a layered approach to any return to office that includes a combination of: making any time in the office voluntary, mandatory vaccination, ventilation and filtration, physical distancing, and masks.
- Our goal is to create a framework for handling an evolving pandemic that is likely to be with us for a long time to come.
Key elements of suggested bargaining proposal:

1. Employer formally agrees that employee health & safety their utmost priority.

2. Employees have full discretion to continue working remotely indefinitely.

3. Guild-selected health & safety expert hired by company to analyze workplace and make prescriptions to ensure it meets following standards:
   a. Properly functioning HVAC system with MERV-13 or superior filter.
   b. Installing portable air cleaners with HEPA filters as necessary.
   c. Each enclosed space will have at least six air changes per hour.
   d. Setting maximum limits on number of individuals in a particular space based on their judgment about what is safe at that time.

4. Proof of vaccination required except in limited case of sincerely held religious beliefs or health concerns.

5. Immediate company-wide notification of suspected and confirmed cases.
Key elements continued:

6. If RTO is mandatory, then any employee who develops COVID is automatically assumed to have been infected at work.

7. Remote work stipends.

8. Unlimited sick leave.

9. Compliance with all existing federal, state and local laws and regulations.

10. Formation of health and safety committees:
   a. Composed of at least $\frac{2}{3}$ non-supervisory employees selected by the union.
   b. Mandatory monthly meetings (can meet more often as needed). One full work day per month given to committee to prepare for meetings.
   c. Receive 35 hours of training annually during company time presented by trainers selected by the union and paid for by the Company.
   d. Clear mandate to monitor conditions, identify problems, come up with solutions and then oversee their implementation.
Management is talking about a return to office plan/date. What should we do?

1. Alert your staff representative.
2. Send the company our legal notification of their obligation to bargain along with our extensive (24 parts, 100+ questions) covid-focused request for information.
3. Send return to office survey to coworkers (Guild has suggestions and examples to share).
5. Prepare to bargain by sketching out an escalating campaign.
   a. Have a membership meeting to explain what is at stake.
   b. Pack out bargaining sessions.
   c. Have a supermajority (80%+) of members sign on to a public letter.
   d. Put the company on the defensive by having them publicly explain why a return to work is necessary -- hit questions about productivity, health and safety, etc.
   e. Escalate, escalate, escalate!
Meredith Timeline

- Company issued directive for September RTO date.
- Union sent legal notification of requirement to bargain and our exhaustive RFI.
- We planned to pack out our first bargaining session to discuss RTO, so we:
  - The mobilization committee wrote an organizing rap and called everyone in every unit asking them to attend a meeting the night before our first bargaining session AND to attend our first session the next morning.
  - The bargaining team put together a slide deck presentation on our position on multiple important bargaining issues, including RTO.
  - Held a mass membership meeting the night before bargaining began. Bargaining team did a run-through of our presentation to management, Guild attorney gave a presentation on how RTO is a mandatory subject of bargaining, and CWA healthy & Safety expert gave a presentation on the seriousness of Covid and in support of our bargaining position.
  - Packed out bargaining, everyone using the same zoom backgrounds. Gave our presentation and our initial RTO proposal to management: indefinitely delay any return to office date and bargain with us over it.
  - Management said no.
  - Literally the next day, management announced company-wide that they were delaying RTO to October.
  - We are continuing to escalate!