



Survey Details Troubling Treatment of Whistleblowers by Employers and Managers

New York, NY—In a national survey on workplace retaliation during the pandemic, Black workers were twice as likely as white workers to report that they or someone at work may have been punished or fired for raising concerns about COVID-19 spreading in the workplace.

Of all respondents, Black workers were most likely to answer “yes” or “maybe” when asked if they or anyone at their company had been punished or fired for raising COVID safety concerns. One in five Black workers (19 percent) answered as such, compared with 1 in 10 white workers (9 percent), and one in eight workers (12 percent) overall.

Read the survey report from the National Employment Law Project.
(<https://www.nelp.org/publication/silenced-covid-19-workplace/>)

Respondents shared troubling descriptions of treatment by employers and managers in response to concerns raised, including 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.

“Unfortunately, workplace retaliation during the pandemic is not as uncommon as you might think,” said **Irene Tung, senior researcher and policy analyst with NELP and lead author of the study**. “Our survey shows two parallel dynamics are at play: vocal workers are being punished, and other workers are staying quiet to avoid job repercussions.”

“Too little attention has been paid to the connection between workplace repression and virus transmission. For Black workers, this problem is worsened by our country’s long history of systemic racism in the workplace and in the labor market—making it particularly difficult to speak up about COVID-related concerns,” said **Tung**.

The survey results included these key findings:

- Sixty-three percent of respondents indicated they have concerns about COVID-19 exposure at their workplace. Just over one in four (27 percent) raised concerns with their employer and received a satisfactory response, but a comparable number (24 percent) had concerns that were not addressed, either because they were unsatisfied with the employer’s response or because they did not raise concerns for fear of retaliation.
- Black workers were more likely to have concerns (80 percent) and twice as likely as white workers (18 percent) to have unresolved concerns, with 39 percent reporting they were not satisfied with the employer’s response or did not raise concerns for fear of retaliation.
- One in seven Black workers (14 percent of Black survey respondents) avoided raising concerns to their employer for fear of retaliation—more than twice the average rate of 6 percent for all survey respondents. While a 6 percent rate appears modest, even a conservative estimate means this represents 1.9 million U.S. workers—an alarmingly high number in terms of potential viral spread.
- Three in four Black workers (73 percent) have gone to work even though they believed they were seriously risking their health or the health of family member, compared with 64 percent of non-

Black Latinx workers, 49 percent of white workers, and 56 percent of workers overall.

While many employers have permitted or even encouraged workers to raise concerns about COVID transmission at work and have responded appropriately, NELP's survey results suggest a substantial subset of employers has not. Perceived retaliation in the workplace can have a chilling effect on workers' willingness to raise concerns, which in turn can result in dangerous conditions worsening.

"Policymakers must aggressively protect workers against workplace retaliation if we are to effectively contain the pandemic," said **Laura Padin, senior staff attorney with NELP** and coauthor of the study. "We are calling for critical reforms such as 'just cause' employment protections, which require employers to give advance notice and a good reason before they can terminate a person's employment; a presumption of retaliation if an adverse employer action takes place within 90 days of a worker raising safety concerns; and a robust right to refuse dangerous work."

"Our survey 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," said **Padin**. "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."

The NELP survey was conducted from May 8 to May 11, 2020 using Google Consumer Surveys to ask 1,137 respondents about retaliation in the workplace during the pandemic. Google Consumer Surveys collects responses from internet users who visit news and other internet sites.

READ THE SURVEY FINDINGS:

- **Data Brief: Silenced About COVID-19 in the Workplace** (<https://www.nelp.org/publication/silenced-covid-19-workplace/>)
- **Spreadsheet: Survey Crosstabs** (https://docs.google.com/spreadsheets/d/e/2PACX-1vS--nDOttf8ePbrUC6jXl_K_vgs7--VimO7QYxsH0ku9AV5srerYhDOUixGS3NQvZjxf5-Bb-PytbqG/pubhtml)

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