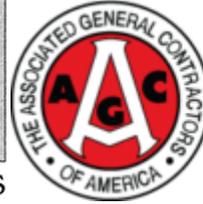
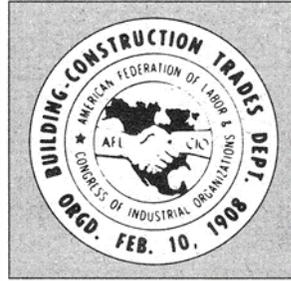


RHODE ISLAND



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CHAPTER

BUILDING TRADES

Unionized Construction Vaccination Policy

According to the CDC, “COVID-19 vaccination is a critical prevention measure to help end” this pandemic. Therefore, it recommends COVID vaccinations for “all people 12 years and older.” Fully vaccinated people “are less likely to become infected, and if infected, to develop symptoms of COVID-19. They are [also] at substantially reduced risk of severe illness and death from COVID-19 compared with unvaccinated people.”

Recent guidance by the Federal Equal Employment Opportunity Commission announced that “Federal EEO laws do not prevent an employer from requiring all employees physically entering the workplace to be vaccinated for COVID-19, so long as employers comply with the reasonable accommodation provisions of the ADA [American with Disabilities Act] and Title VII of the Civil Rights Act of 1964 and other EEO considerations.” See, Federal EEOC Guidance <https://www.eeoc.gov/newsroom/eeoc-issues-updated-covid-19-technical-assistance>. The legality of this requirement was recently affirmed in *Bridges et al v. Houston Methodist Hospital*, 2021 WL 2399994, U.S. D.C., S.D. TX.

Given the fact that employers have a duty to provide employees with a safe work place, and given the fact that the CDC determined that being vaccinated is “critical” to health and safety of everyone, **effective Monday, October 4, 2021**, subject to the accommodation provisions of the ADA and Title VII of the Civil Rights Act of 1964, the unionized construction industry will **require any and all workers working on union job sites or at the contractors’ place of business to be vaccinated in order to work**. If an employee has a strongly held religious belief or pre-existing medical condition or disability recognized by the ADA, the employee may request an exemption from this requirement if doing so does not cause more than a minimal burden to the employer’s operations. However, even under this exemption an employer could request its exempted employee to be tested on a daily or weekly basis.

Union stewards, employers, and owner representatives shall have the right to ask employees to demonstrate proof of vaccination. Any worker that cannot do so may be required to leave their job site forthwith. In addition, no worker shall be referred out of the union hall without demonstrated proof of vaccination.

The unionized construction industry also urges trade workers and contractors to continue to follow existing guidance from the State Department of Health, CDC, OSHA, and the State Department of Labor and Training to ensure their safety and that of their co-workers. This means:

- Limit carpooling to small groups
- Limit job-to-job worker movement
- A contractor representative should greet employees at every job site to ask how incoming workers feel
- Proper personal protection equipment for all tradesmen and women
- Face masks should be worn by any workers who spend an extended period of time indoors.
- To the extent reasonably practicable, work 6 feet away from co-workers
- Numerous stations should be set up for frequent hand washing and/or hand sanitizers
- Designated lunch time so that the trades eat lunch in staggered small groups, and
- Elevator restrictions that only allow trades in small groups when possible.