



MIOSHA COVID-19 Frequently Asked Questions

Q. What can I do if my employer is not adhering to the CDC recommendations/guidelines (e.g. providing PPE, disinfecting workplace, working with sick or exposed workers)?

A. Unless an executive order has made following Center for Disease Control (“CDC”) guidelines mandatory, such as for nursing homes (EO 2020-50), CDC materials on COVID-19 are not mandatory. Nevertheless, Michigan Occupational Safety and Health Administration (MIOSHA) **may** take enforcement action against employers for not following [CDC recommendations/guidelines](#) in **certain situations**. If an employee [files a complaint](#) with MIOSHA, MIOSHA staff will contact management representatives and communicate the CDC guidance to determine whether the employer has implemented them.

Workplace Issue and CDC Resources:

- [Strategies to Optimize the Supply of PPE and Equipment](#)
- [Cleaning and Disinfecting Workplaces](#)
- [Guidance for Businesses and Employers](#)
- [Information for Healthcare Professionals](#)
- [How to Protect Yourself](#)
- [Co-Worker with Suspected or Confirmed COVID-19](#)

Q. Do I have the right to refuse to work when my employer has not taken adequate steps to protect against transmission of COVID-19?

A. In some circumstances, yes. The Michigan Occupational Safety and Health Act, Act 154 of 1974 (MIOSH Act) affords employees the right to refuse to work under imminent danger situations. The refusal must be in good faith and there must not be enough time to contact MIOSHA. The employee must have sought and been unable to obtain from the employer, a correction of the condition. When an employee meets the criteria set forth above, the refusal is justifiable and thus an activity protected under Section 65 of the MIOSH Act.

If possible, an employee should bring the questionable conditions to the employer's attention. Nevertheless, if a dangerous condition in the workplace (1) clearly presents a risk of death or serious physical harm; (2) there is not sufficient time for MIOSHA to inspect; and (3) a worker has brought the condition to the attention of the employer where possible to do so, the worker has a legal right to refuse to work in a situation in which he or she would be exposed to the hazard.



If you believe your rights have been violated under Section 65, you may [file a complaint](#) with MIOSHA. Online complaints are preferred, complaints are generally not accepted via telephone unless it is an emergency. Michigan law prohibits an employer from firing an employee, or otherwise discriminating against an employee, for filing a complaint with MIOSHA.

Q. What should I do if my employer is requiring me to come to work but I believe the Stay Home, Stay Safe Executive Order (EO 2020-42) requires me to stay home?

A. Executive Order 2020-42 prohibits an employer from requiring an employee to come to work unless the employee does critical infrastructure work or performs minimum basic operations. Anyone seeking interpretation of [EO 2020-42 should review the Order](#), the [FAQs](#), the [Guidance for Business](#) and [Know Your Employment Rights](#). EO 2020-42 also incorporates March 19, 2020 [guidance](#) provided by the Director of the U.S. Cybersecurity and Infrastructure Security Agency on the meaning of critical infrastructure.

If anyone believes an employer is violating EO 2020-42, they should raise that concern with their local law enforcement agencies. If anyone believes an employer's violation of EO 2020-42 creates a risk of death or serious physical harm, they should bring the dangerous condition to their employer's attention. If bringing the dangerous condition to the employer's attention is not possible, or if the dangerous condition continues, they may [file a complaint](#) with MIOSHA.