I don’t feel safe going to work.
Can I still get unemployment benefits?

Many workers are concerned about going back to work or taking a job. They do not feel safe because of COVID-19. They are asking if they can continue to get unemployment benefits if they believe the workplace is unsafe. The answer to this question depends on your individual situation. Here are answers for different situations:

**YES**

If you have been advised by a healthcare professional that you or a household member should self-isolate due to a high risk medical condition, or if you have another COVID-19 related reason that you cannot work.

A complete list of COVID-19 related situations which would make you eligible for PUA is available at the Maine Department of Labor website.

**NO**

If you do not have a COVID-19 related reason that you cannot work, and your employer is complying with the Center for Disease Control safety standards (or other official safety guidance).

Find information about safety standards:

**MAYBE**

*If* you have a reasonable fear of going to work because you reasonably believe that you would be at risk of exposure or infection at workplace;

*And* your employer does not comply with the CDC COVID-19-related safety standards or other official safe workplace guidance;

*You may be eligible.* You will need to provide proof that the workplace was not following safety standards AND that you asked your employer to correct the problem and they did not.
Tips on how to deal with this issue in different situations:

1. If you are thinking about quitting your job because you think your workplace is not safe and you fear exposure to the Coronavirus, you will need to prove that you quit for a good reason.

DO ALL THESE THINGS BEFORE YOU QUIT:

- Document the reasons that your workplace does not meet CDC or other public health and safety guidance, or if other workers there have been infected. Notes, pictures, or statements from co-workers are helpful.
- Ask your employer to correct these problems or provide you with a safe workspace, including working at home if that is possible.
- Tell your employer if you have a medical condition that puts you at higher than normal risk if exposed to the Coronavirus.
- Ask your health care provider for a statement recommending that you not work under the conditions at your workplace considering your risk factors.

2. If you were fired because you refused to work in unsafe working conditions, your employer will have the burden to show that you were fired for “misconduct.” This means that the employer must show that you intentionally or irresponsibly acted in a way that harmed the company. If your employer threatens to fire you, DO NOT offer to quit instead. If you quit, the burden will be on you to prove that you had good cause to quit—this is a harder burden to meet.

IF POSSIBLE, BEFORE YOU ARE FIRED, TRY TO:

- Explain to your employer why you think the workplace is unsafe, including the ways it does not comply with CDC or other health and safety guidance related to COVID-19, or the presence of infected workers. Document any violations that you see. Notes, pictures, or statements from co-workers are helpful.
- Tell your employer if you are at higher risk if exposed to the Coronavirus.
- Ask your employer to correct the problems or provide you with a safe workspace, including working at home if that is an option; and
- Ask your health care provider for a statement recommending that you not work under the conditions at your workplace and your risk factors.
3. If you refuse a job or refuse to return to a previous job because of unsafe working conditions related to COVID-19. If you refuse a job, you will have the burden of showing that that job was not “suitable” because of unsafe working conditions. In general, any work that you did before will be considered “suitable”, unless you can show that conditions now present related to COVID-19 make the job or workplace unsafe.

DO ALL THESE THINGS BEFORE YOU TURN DOWN THE JOB:

- Document the reasons that the job you are offered does not meet CDC or other public health and safety standards or that other workers are infected. Notes, pictures, or statements from people working there are helpful.
- Ask the employer to correct these problems or otherwise provide you with a safe workspace, including working at home if that is possible.
- Tell your employer if you have a health reason that puts you at higher risk if exposed to the Coronavirus; and
- Ask your health care provider for a statement recommending that you not work under the conditions at this workplace and your risk factors.

QUESTIONS? You are not alone! Contact Maine Equal Justice or Pine Tree Legal for help!