



**Global Center
for Health Security**

**Ethics Advisory
Committee
Consultation
Report**



Ethical Considerations Regarding Meat Processing Plant Operations, Worker Safety, and Community Welfare

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Background

The Global Center for Health Security at the University of Nebraska Medical Center, at the request of the governor of Nebraska, is consulting with and recommending prevention and control practices for the meat processing industry. Meat processing plants are staffed primarily by immigrant workers¹ who are at higher than average risk for contracting COVID-19 and experiencing poor outcomes.² Typical plant conditions—including many workers in close proximity over prolonged periods—facilitate COVID-19 spread; outbreaks tied to the plants are now a reality for several states.

The Global Center for Health Security recognizes that implementing COVID-19 specific workplace prevention, detection, and mitigation [measures](#) are essential, and yet these measures have not been universally implemented. Further, even if fully implemented, the measures alone cannot curb the spread of COVID-19 among workers who live in dense housing and face numerous other barriers to infection prevention and control. The combination of physical plant conditions, off-site living conditions, the pressure to work through sickness because of lost wages and workplace penalties, and barriers to receiving care when ill place those working in these facilities at significantly increased risk of contracting and spreading the disease. Reducing the spread and severity of COVID-19 among people working in these plants offers income security to the workers while maintaining plant operations, which benefits meat processing companies and minimizes supply chain disruptions—ultimately benefiting local, state, and national economies. Safeguarding workers in the plants also reduces community spread of disease, benefiting local residents and communities.

This analysis focuses on answering the question posed to the committee: what strategies and interventions can most effectively and ethically reduce the risks of outbreaks and protect the people working in these plants, as well as the viability of the plants, their local communities and the nation's food supply? We aim to attend to this question through 1) considering relevant stakeholders, interests, and values; 2) highlighting the ethical considerations involved in the question posed; and 3) recommending pillars of intervention to prevent COVID-19 outbreaks in meat processing plants.

Values Underlying Deliberations and Recommendations




The recommended strategies are grounded in an overarching public health commitment to effectiveness using the least-restrictive means to achieve goals. They are also grounded by a set of shared values based on mutual respect, fairness, commitments to those least well off, and community interdependence. Especially during pandemic conditions, these values include accountability, transparency, fair allocation of risks and benefits, commitments to those least well off, reciprocity, and interdependence.³ Such values recognize relations between individuals and communities, show respect for individual community members, and affirm commitments to treating both individuals and communities fairly.³ In a pandemic, public health actions should seek to minimize harms (such as by limiting infections while also limiting any adverse impacts of public health measures), ensure fair processes and transparency (such as by issuing clear guidance and treating like individuals similarly), and distribute the burdens of addressing the pandemic equitably (such as by creating a level regulatory playing field). Equitable distribution of burdens must also be informed by the reality that COVID-19 disproportionately burdens some groups – including workers in essential industries who may be significantly disadvantaged relative to other groups even in pre-pandemic times. This disproportionate burden creates reciprocal obligations, such as duties to keep people deemed to be “essential workers” as safe as possible, which, in turn will also minimize possible harms to others, including to their families and other community members.

Ethics Question

The President declared meat an “essential resource”* under the Defense Production Act,⁴ effectively mandating plants maintain some production. Meat processing plants, therefore, have a special responsibility to remain open, as well as the usual financial incentive to remain open, even in the face of an elevated risk of outbreaks. The [National Farmers Union](#) responded to the presidential declaration by stating that the “health and lives [of processing workers] are not an acceptable tradeoff for our meat supply, nor are these things mutually exclusive – we must find solutions that protect both.”⁵

Ethically, people working in these plants deserve protection to the same degree as those in other essential industries, such as health care and emergency services workers, whose safety and protection have captured significantly more public and employer attention. In particular, while there has been a great deal of emphasis on articulating a need for and addressing the shortage of personal protective equipment for health care workers in the pandemic, this case reveals the need to cast a wider net and address the safety needs of all workers deemed essential.

What strategies and interventions can most effectively and ethically reduce risk for employers, employees and the community? Sacrifice is an inevitable part of burden-sharing in a community, and in the current pandemic some people - namely workers in “essential industries,” including the meat processing industry - are being asked to bear more risks than many others. The values of reciprocity, interdependence, and fair distribution of risks and benefits are all implicated. Under normal conditions, workplace safety is the province of employers, with some oversight or involvement from regulatory agencies. And under normal circumstances, non-workplace activities and employee circumstances are not within the purview of employers. But in a pandemic, when the public health effects of on-site prevention, off-site prevention and health care access become intertwined, it becomes



necessary for employers, workers, public health departments, government agencies and other community stakeholders to work together to most effectively prevent, detect, and halt outbreaks.

The values of transparency and accountability are foundational during a pandemic and require consistent and accessible information sharing, especially to those most at risk. And yet transparency and the credibility of messaging rely, to some degree, on the degree of trust that exists between government, public health actors, plant leaders, and the workers and their communities. Preexisting relationships, informed by preexisting working conditions, wage negotiations, power imbalances, or other previous interactions can make relationships fragile. Candid and complete disclosure is necessary to build and maintain trust and to effectuate infection prevention and control measures that require the cooperation of all involved; sometimes messaging may need to come from an external source who is viewed as more trustworthy to target audiences.

With these values and questions in mind, the committee recommends three pillars of action to avoid COVID-19 outbreaks and mitigate impacts if outbreaks arise, each with an attendant set of ethical strategies. **On-site prevention** requires actions on the part of employers, employees, the government and others to ensure reasonable safety in the workplace; **off-site prevention** requires actions to create off-site conditions that mitigate risk; and the **treatment and remediation pillar** requires actions to ensure adequate care in the event a worker becomes ill.


Pillars of Intervention to Prevent COVID-19 Outbreaks in Meat Processing Plants

Pillar #1: On-site Prevention

The foundation of successful implementation of this pillar requires a culture of safety in every plant. Mitigation of risks posed by COVID-19 in meat processing facilities will require full adoption of a culture in which every person at the plant, regardless of job description and without threat of reprisal, works to identify and mitigate risks. This includes messaging as well as action from the top, signage around the workplace, provision at no cost to the employee of needed supplies and controls, anonymous tip lines for reports of safety concerns, and whistleblower protections. Importantly, the ethical strategies for this pillar should include a path toward ensuring consistent adherence—equivalent to that in a healthcare environment— for pandemic workplace safety regulations.⁶[LAE1]

Strategy 1.1: implement administrative and engineering controls per CDC/OHSA guidance across the industry

The application of reasonable engineering and administrative controls - such as physical barriers, hand washing stations, and so on - are critical to the mitigation of contagious risk within meat processing facilities. These have been recommended consistently by public health experts. Regulators *must require these* to ensure universal implementation, thereby delivering protection for all rather than only some workers, and, as such, providing both equitable safety protection for all workers and equitable financial impact across the industry. *It is the obligation of regulators and enforcement agencies to require preventive measures at all plants, thereby both protecting workers and the community from infection, and*



establishing a level playing field for the industry regarding the implementation costs of worker safety measures.

Strategy 1.2: Provide adequate personal protective equipment (PPE)

In the context of COVID-19, reengineering workplaces to provide 6' or greater distance between workers provides greater protection. Recognizing that this will not occur in many settings, OSHA's [PPE standards](#) require employers to protect workers from the hazard of proximate work by providing appropriate PPE. This PPE, which must be provided by employers and at no expense to workers, is for workplace use only, and includes at very least a face shield and mask.⁷ The CDC issued temporary [guidance](#) on optimal use of PPE when supplies are not sufficient to allow for usual patterns of use, although it should be noted that shortages are decreasing as the pandemic continues. Plants must follow CDC and OSHA guidance that is relevant to essential industries and local agencies must monitor and enforce compliance with such guidance.

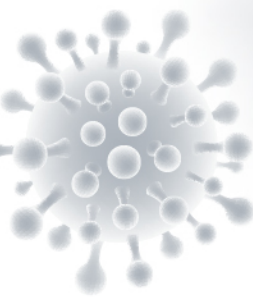
Strategy 1.3: Adjust line speeds, workflows, and product through-put relative to worker numbers

Regulations govern line speeds, striving for worker safety while allowing adequate production; some plants operate at faster line speeds with government permission.⁸ Plants should reduce line speeds to ensure that workers can perform their duties while maintaining infection prevention and control practices. During the pandemic, *a failure to reduce line speeds to compensate for reduced worker numbers requires workers to sacrifice their safety and assume disproportionate risks while asking too little sacrifice of the plants.* Increased line speeds in the face of reduced worker numbers and increased pandemic risk are significantly harmful and, as such, unethical, even if they remain legal, because they put workers at avoidably high risk. *describes desirable actions.*

The precise speed should be determined based on the available workforce in a given plant and in the context of pandemic-specific safety requirements. The desire to ensure line speed safety should be consistently communicated to workers. Local actors—for example states—can create requirements and incentives for employers to follow these directives; and employers in turn can implement systems whereby floor supervisors and others are rewarded based on safety and not just on production numbers.

Strategy 1.4: Plant leadership, including floor or line supervisors, must communicate sick leave, safety, and infection prevention and control policies to workers ensuring consistency with pandemic specific safety policies

There have been reports of frontline supervisors continuing to enforce pre-pandemic policies, including point systems that prioritize short term production over safety and infection control. These shadow policies undermine infection prevention and control efforts and present tangible risks for both worker safety and longer-term plant operations. Production levels during the pandemic should be based on the need to prevent infections arising in the plant, and plant managers and incentives to frontline supervisors should be discontinued to avoid implementation of infection control measures. Consistent communication is widely understood to be critical for effective pandemic response, and all levels of plant leadership should communicate and reiterate the same messages, especially instructions on the need



to wear PPE, the need to report safety concerns, what to do when a worker tests positive, the sick leave workers are entitled to, and the suspension of points during the pandemic. Enhanced monitoring of supervisor behavior may be warranted, and supervisors should be rewarded for their adherence to infection control measures and related outcomes during the pandemic. *Guidance on required worker safety measures related to infection prevention must be clear and enforced, to protect workers from harm and to ensure fairness across the industry.*

Strategy 1.5: Education to help workers protect themselves from the virus

Employers should provide workers with additional training and education about COVID-19, informed by [CDC](#) and [OSHA](#) guidance, which should be included in plant developed COVID-19 response plans.^{7,9} To address concerns about equity and respect for the people working in these facilities, communication and training programs should be easy to understand, provided at the appropriate literacy level, in the preferred languages spoken or read by the workers, and with graphical displays where helpful. Partnering with community advocates and community leaders to mobilize education may make efforts more effective. Because some of the information is complex and may require significant departures from normal practices (such as changes to usual ‘point’ systems), this education cannot be accomplished by merely putting up posters (which might also cause groups to congregate around the poster, hence increasing risk). Attention to this issue also fosters trust, which fosters adherence to safety practices.

Strategy 1.6: State and local governments should incentivize meat processing plants’ adherence to new worker safety practices in the plant


Relying on OSHA alone to protect meat processing workers may not be effective. Regulatory changes often lag behind the rapidly evolving context of COVID-19, including evolving science of transmission, spread, and effective treatment options. Enforcement may be limited by a number of factors. However, state and local actors can create requirements and incentives for employers to follow these directives as well as participate in monitoring and enforcement.

State and local officials have influence over the expectations put forward throughout this analysis. Even with the presidential declaration in place, state leadership has sway over whether or not individual plants remain open or closed and they have significant influence over the culture of plant operations in terms of which procedures will be required and which will be tolerated. With this in mind, state and local leadership should consider ways to implement and enforce consistent, universally applicable safety measures to keep workers safe and plants operational in the short term and viable in the longer term.

Pillar #2: Off-site Prevention

Strategy 2.1: Ensure adequate housing, especially for those in quarantine or isolation

Infection risks cannot be mitigated by on-site protections if workers must return to overcrowded living conditions at the end of a shift, and especially if they are unable to effectively quarantine if exposed and isolate if ill. To increase the chance of being able to remain fully operational, plants may want to consider housing workers in temporary or mobile housing, provided at no expense to workers. While direct provision of housing is uncommon in the meat processing industry under usual circumstances, a pandemic is not usual



circumstances. The spread of COVID-19 creates conditions in which *meat processing facilities should work together with their employees, local governments and others to reduce the risk of COVID-19 transmission when workers are off-site.*

Plants should work along with government and other private groups to facilitate provisions of housing, with urgent priority given to those in need of isolation and quarantine. Public health departments, universities, private organizations,¹⁰ and others are partnering to provide temporary housing for workers in essential industries and those in crowded housing environments.¹¹ These initiatives are critical for allowing industries to continue to function while better protecting the health of employees and the public more broadly.

Strategy 2.2: Partner with public health departments and community organizations to foster culturally and linguistically appropriate outreach


Community organizations and advocates have reach within the community and often understand how to best mobilize information where workers and their families live. While information from academics and experts on these issues can be helpful, advocates and organizations embedded in the communities affected are a central means for informing and educating workers and their community members on infection prevention and control strategies inside and outside of the workplace.

Pillar #3: Treatment and Remediation

Strategy 3.1: Provide sick leave without penalty and do not provide bonuses for attendance

Lack of paid sick leave during the pandemic harms not only the worker but also the health and wellbeing of co-workers and the financial security of the plant. Without paid sick leave or personal financial reserves, sick workers will feel compelled to work through illness, creating infection control risks to the entire operation. Compounding the problem is the practice at some companies of penalizing sick workers by assigning disciplinary 'points' for calling in sick. Because accumulating points can lead to termination, workers under point systems are even more strongly incentivized to work through illness. Whether such policies are warranted in usual times can be debated, but during a pandemic they are unequivocally problematic. Paid sick leave is required both in terms of reciprocity to essential workers who take on risks during a pandemic, and in terms of preventing further spread across a highly dense workplace by removing sick individuals from the mix.

Paid sick leave presents an obvious cost to plants. Yet it also is in keeping with underlying ethical values of minimizing harms and fairly distributing burdens and benefits of the pandemic. It is also consistent with long-term business interests; by focusing on maintaining a healthy workforce, plants increase the likelihood of remaining continuously open. In turn, this provides a source of income to the workers who rely on regular work to provide food to their families. Without paid sick leave, employees are likely to come to work sick, which will result in more infections, with more workers bringing infections home. Subsequent outbreaks will be much larger and more likely to delay production or result in plant closures as well as causing preventable sickness and death in the local community, which may then be attributed to plant inaction. While ethically indisputable that sick leave is both beneficial and fair to workers who put themselves at risk, that plants may not always choose to implement sick leave engenders responsibilities on the part of regulators or governors to ensure such policies are in place across the board.



Strategy 3.2: Provide no-cost, confidential testing

Facilities should work closely with public health departments to facilitate access to no-cost, rapid, and accurate testing for all workers concerned about exposure. For those with positive tests, contact tracing (identifying person-to-person spread) should be conducted by the public health department, following [available CDC guidance](#). Information about where and with whom contact occurred must be confidential (as is usual practice), including from the employer, again underscoring the importance of having this managed by an independent third party. It is well known in public health that wrongful disclosure or punitive use of information derived from contact tracing will lead to mistrust and subsequent avoidance of testing and contact tracing operations. *Patient confidentiality is a very significant value in public health, essential for public cooperation and effective mitigation of disease spread.*

Strategy 3.3: Provide health care for those who develop COVID-19 illness

For those who develop COVID-19 illness, treatment should be provided at no cost and not contingent on immigration status, so that workers do not delay or avoid care. Providing rapid access to no-cost care for those with COVID-19 is warranted in this pandemic. This is a distinct argument from ongoing and often vitriolic national conversations about universal health care access and coverage. The rationale for covering care related to COVID-19 is prudent; people who are infected and unable to obtain a test or treatment might not know they are infectious, thereby posing greater risk to others in their workplaces and communities. Uninterrupted spread from these individuals can harm the well-being of the meat processing plant, the local community, and potentially the nation's food supply. Providing health care should not be the sole financial responsibility of meat processing facilities. This responsibility should be shared with the government and other stakeholders in the safety and security of the food supply chain.

Conclusion

Protecting the health and welfare of meat processing workers protects the interests of meat processors, workers, their local communities, and the nation – and all must work together to avoid and mitigate outbreaks. When the nation calls an industry essential and therefore expected to work, protections must be provided to those who continue to step forward. Businesses that operate and benefit economically from plant operations must shoulder some burdens, as must workers and other community members. Ultimately, those who have deemed such operations essential have responsibility for ensuring that monitoring and accountability are in place that protective policies are being followed, thereby allowing the essential businesses to continue to operate and the American public to benefit from them doing so.¹²

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* The criteria for qualifying as an essential business are debated and often criticized for being vague, which, as a result, allows more industries to qualify as essential thereby putting more workers at risk. For the scope of this analysis, we will not tend to the definition of whether meat processing plants are an essential industry, as it was not part of the original request.