



PROTECTING WORKERS' LIVES & LIMB:

an agenda for action

COSHNetwork.org

The National Council for Occupational Safety and Health is dedicated to promoting safe and healthy working conditions for all working people, through education, training, organizing and advocacy. Our belief that almost all work-related injuries and illnesses are preventable motivates us to encourage workers to take action to protect their safety and health, promote protection from retaliation under job safety laws, and provide quality information and training about hazards on the job and workers' rights.

PROTECTING WORKERS' LIVES AND LIMBS: AN AGENDA FOR ACTION

Every day, Americans go to work and face risks that threaten their immediate and long-term health, cause injuries or, too often, result in death. On average, more than 13 U.S. workers die at work each and every day of the year. These workers never get a chance to return home to their families.



The national safety and health movement is committed to uncovering the facts of these preventable tragedies and taking action to protect workers. We are workers, union members, public health professionals, members of workers' centers, consumer advocates and many others from all walks of life. We respect the dignity of all workers we believe that all workplaces are safer when everyone has rights on the job, regardless of race, gender, religion, sexual identity or immigration status. The goals proposed in this PROTECTING WORKERS' LIVES AND LIMBS agenda are common sense solutions that work towards a goal we all share: help to improve the odds that all U.S. workers go to work in a safe and healthy job and can return to their home and families without injury or illness.

These goals include:

- 1 Make worker health and safety a priority**
- 2 Ensure health and safety protection for all workers**
- 3 Increase worker participation.**
- 4 Eliminate disparities in workplace illnesses, injuries and fatalities and ensure equal access to safe, healthy workplaces and protections**
- 5 Reduce – and work to eliminate – the widespread use of toxic chemicals**
- 6 Ensure injured workers access to quality, timely medical treatment and just wage replacement benefits**
- 7 Count all occupational injuries and illnesses**
- 8 Implement measures to adapt to and prevent further climate change**

These goals are an integral part of a broader effort to ensure the health and well-being of all working people in the U.S.

PROTECTING WORKERS' LIVES AND LIMBS: AN AGENDA FOR ACTION

Every day, Americans go to work and face risks that threaten their immediate and long-term health, cause injuries or, too often, result in death. Some recent preventable tragedies:

- On October 22, 2016, **Robert Higgins**, 47, and **Kelvin Mattocks**, 53, died when a trench flooded at a construction site in the South End of Boston. The firm operating the job, Atlantic Drain, failed to properly secure the trench against collapse and had been cited previously for a similar safety violation. Following the deaths of these two workers, the Boston City Council passed an ordinance allowing the city to deny building permits to companies with a history of poor safety practices.
- In July, 2015, **Roendy Granillo**, aged 25, died from heat exhaustion after he was denied a rest break or medical care while working at a construction site in 110-degree heat. Following Roendy's death, his family members joined a campaign that successfully passed an ordinance in the city of Dallas, which requires mandatory ten-minute rest breaks every four hours.
- On June 18, 2016, **Regina Elsea** died when she was crushed by a machine because her employers failed to implement the most basic safety precautions. She was employed by a temporary agency to work in an auto parts plant in Cussetta, Alabama. Two weeks before her planned wedding, she was killed when she entered a robotic station to clear a sensor fault. While she was inside the machine, the robot restarted. The company had never implemented safety procedures, required for decades, to prevent machines from starting up when workers are inside.



These are just a few examples of the more than 4,800 U.S. workers who died each year because their employers fail to observe common sense, effective workplace safety and basic safety rules.

Many work-related injuries are obvious because they result in loss of life or limbs. But workers also face many hazards at work that are not obvious, such as exposure to repetitive motions, toxic chemicals, and workplace violence. In fact, occupational exposures contribute significantly to some of the most common causes of death in the US – heart disease, cancers, and respiratory diseases.

The most visible workplace injuries can result in tragic loss of life and limb. But workers also face innumerable injuries and illnesses from exposure to repetitive motions, toxic chemicals, workplace violence and other less widely recognized occupational hazards. In fact, occupational exposures contribute significantly to some of the most common causes of death in the US – heart disease, cancers, and respiratory diseases.

PROTECTING WORKERS' LIVES AND LIMBS: AN AGENDA FOR ACTION

The rates of workplace injury and death in the U.S. remain unacceptable. Government data shows that at least thirteen workers lose their lives each day from work-related injuries. It's startling: almost 5,000 workers per year die on the job. Approximately 3 million workers each year suffer work-related injuries that caused them to miss work, modify their job tasks, or transfer to other jobs. These statistics do not include deaths from occupational diseases, which annually claim the lives of an estimated 95,000 workers.



These disturbing statistics underestimate the scope of the problem. The federal government counts work-related injuries and illnesses based on a survey of employer reports. Many vulnerable worker groups -- including people of color, immigrant workers, young workers, and people struggling economically -- are at an especially high risk of work-related deaths, injuries, and illnesses. They also often (justifiably) fear employer retaliation if they report their injuries and hazardous working conditions.

Under-reported or not, the cost of job-related hazards is expensive. According to the National Academy of Social Insurance, the direct cost to U.S. employers for workers' compensation alone was \$91.8 billion in 2014. The total cost to society for all work-related deaths,

injuries and illnesses is two to three times greater. Workers, their families and communities bear the brunt of these costs.

Although there have been improvements made over the last eight years to address the urgent challenges of worker health and safety, more needs to be done by governmental agencies, private and public employers and employee organizations to increase enforcement of standards, best practices and prevention efforts.

The goals proposed in this **PROTECTING WORKERS' LIVES AND LIMBS** agenda are common sense solutions that work towards a goal we all share: to improve the odds that all U.S. workers go to work in a safe and healthy job and can return to their home and families without injury or illness. Making our workplaces healthy and safe and preventing work-related injuries, illnesses and deaths will:

- let workers to stay on the job, earn a living, take care of their families, and contribute to their communities;
- boost worker productivity and increase job retention;
- reduce workers' compensation and health care costs.

These goals are an integral part of a broader effort to ensure the health and well-being of all working people in the U.S. The broader agenda calls for protection and expansion of worker rights to join a union and/or worker center and bargain collectively; provision for paid sick and family medical leave; adoption of a higher minimum wage indexed to inflation; pay equity across gender and race; and affordable, high-quality health care.

GOAL 1:

MAKE WORKER HEALTH & SAFETY A PRIORITY

BACKGROUND:

Workers are sick, injured and die in such large numbers because too many employers are failing to enact life-saving health and safety measures, and putting profit over the well-being of their workers. The truth is that workplace fatalities and injuries and disease are preventable when employers follow common sense safety rules. State and federal regulatory agencies can deter employers from taking the low road by enforcing safety and health laws to deter employers from cutting corners. and flouting worker health and safety laws.

The OSHA Act, passed in 1970, has saved lives. Since the law was enacted, the rate of workers being killed on the job has declined by more than 75 percent, and the number of fatalities has declined from about 14,000 a year in 1970 to 4,836 worker deaths in 2015, with a workforce twice as large. Though there have been great improvements there is still much work to be done.

The president should:

- Commit to protecting workers' health and safety on the job with strong and fair enforcement, promulgation of common sense standards, and outreach and education.
- Reflect this commitment by nominating leaders for the Department of Labor, Occupational Safety and Health Administration (OSHA), and other agencies who will promote worker safety and aggressively enforce existing workplace safety laws.

The Congress should:

- Provide OSHA with the budget it needs to protect workers. Right now it would take OSHA over 140 years to visit every workplace in America just once.

- Pass the Protecting America's Workers Act, legislation that would update and modernize the OSH act to, among other things, expand protections to include public employees and strengthen provisions in the law that protect workers from illegal retaliation when they exercise their rights under the law.
- Fight legislative attempts to weaken workers' health and safety including legislation that seeks to undermine the federal rulemaking process and legislation that seeks to limit the public's access to the courts.

The State officials should:

- Establish strong and effective responsible contracting provisions at the state and local level to ensure that goods and services purchased with public funds are provided by employers who comply fully with all labor laws, including safety and health requirements.
- Pass laws that encourage towns and municipalities to enact permitting measures that require employers to submit records of OSHA violations and the safety procedures they will use to protect workers and the public.
- In state-plan states, provide the state OSHA with adequate authority and resources to carry out its mission of ensuring workers' health and safety.

GOAL 2: ENSURE HEALTH & SAFETY PROTECTION FOR ALL WORKERS

BACKGROUND:

Studies show that health and safety improvements on the job require tough enforcement of laws and regulations. These must be backed up by new and effective prevention-focused standards, expanded research and public health workforce development programs, coverage for all workers in the country and hazard surveillance programs that identify the array of specific hazards in specific workplaces.

The president should:

- Direct agencies charged with protecting workers' health and safety to aggressively enforce existing regulations, and use targeted inspections in high-hazard industries and occupations,
- Direct the in-coming Secretary of Labor to retain existing health and safety protections and to immediately begin rulemaking to strengthen worker protection standards. This should include regulations on workplace violence, musculoskeletal hazards, combustible dust, indoor heat, and requirements for written injury and illness prevention programs.

The Congress should:

- Remove restrictions that limit OSHA's ability to inspect certain workplaces, including small farms and small businesses.
- Ensure that both civil and criminal penalties are adequate to deter employer law-breaking.

The State leaders should:

- Pass laws that extend health and safety protections to public workers in states that have not yet done so.
- Enact legislation that holds companies that subcontract, outsource and use temporary agencies jointly responsible with their contractors for the health and safety of contingent employees.
- Support efforts to enhance criminal prosecutions under the state's general criminal laws for recklessly or negligently causing a worker to be killed or seriously injured on the job.
- Promulgate standards that address key gaps in federal OSHA coverage, such as safe-patient handling policies, workplace violence prevention, and indoor heat protection.



GOAL 3: INCREASE WORKER PARTICIPATION

BACKGROUND:

A healthy and safe workplace requires inclusion of all workers in the process of identifying and correcting hazards. All workers must be protected from harassment, firing, and other forms of retaliation if they report a hazard, file complaints with OSHA or MSHA, and/or file a workers' compensation claim. Immigrant workers are particularly vulnerable if they speak up about health and safety hazards..

The president should:

- Vigorously enforce existing anti-retaliation laws so that workers can step forward and report job-related hazards without fear.
- Ensure that immigrant workers who step forward to report conditions that endanger workers are not targeted for deportation. Direct the US Department of Labor to expand the U Visa program to include workers whose employers violate health and safety regulations.
- Ensure continued funding of worker training and education programs, including the OSHA Susan Harwood grant program, NIOSH Education and Research Center (ERC) grant programs. Susan Harwood grants should be targeted to training programs that build workers' capacity to exercise their rights under the OSH Act, and serve a meaningful and effective role in injury and illness prevention.

The Congress should:

- Strengthen whistleblower protections provisions in the OSHA law and update them to include similar protections in all whistleblower statutes passed in

the last decade—six months to report a violation, to ensure that workers who report violations of federal law, is are protected from illegal retaliation..

The State officials should:

- Stop the destruction of organizations that protect workers' safety and health. This includes, for example, anti-union "right-to-work" laws, which more accurately are right-to-work for less pay and less protection. Instead, they should embrace workers' right to organize, take collective action and fight for safe and healthy workplaces and jobs.
- Adopt stronger protections against retaliation than provided by the federal OSH Act including meaningful and enforceable protections for raising concerns about health and safety, reporting injuries and illnesses, refusing to perform hazardous work, and filing a workers' compensation claim.
- Support legislation that guarantees workers the right to compel their employers to provide a safe workplace and to obtain adequate compensation when workplace hazards cause workers harm.



GOAL 4: ELIMINATE DISPARITIES IN WORKPLACE ILLNESSES, INJURIES & FATALITIES & ENSURE EQUAL ACCESS TO SAFE, HEALTHY WORKPLACES & PROTECTIONS

BACKGROUND:

The unacceptably high rates of deaths, injuries and illnesses among vulnerable people (e.g., young, old, African-American, Latino/a, immigrant and the incarcerated) must be eliminated. All workers have the right to safe and healthy working conditions.

According to the latest data from the Bureau of Labor Statistics⁽¹⁾: 495 non-Latino Black or African-American workers suffered fatal work-related injuries in 2015, the highest number since 2008. Overall, the number of fatal injuries in 2015 involving foreign-born workers were at the highest level since 2007.

The victims came from about 100 different countries. Furthermore, the highest rates of work-related injuries are experienced by 18–24 year olds, followed by 15–17 year olds – with an estimated 160,000 young workers experiencing occupational related injury or illness each year.

The president should:

- Direct OSHA to continue efforts to prioritize inspections in high hazard industries, particularly those that employ vulnerable workers.
- Direct OSHA to enact procedures that ensure the engagement and protection of immigrant, temporary and other vulnerable workers during investigations, in particular ensuring that workers who speak languages other than English are able to speak confidentially in their native language to investigators, without the fear of retaliation.

The Congress should:

- Provide NIOSH with adequate, permanent funding so it can conduct applied research and intervention, education and outreach programs to eliminate occupational health disparities among vulnerable workers.

The State officials should:

- Coordinate agencies' wage enforcement and health and safety to target employers that exploit vulnerable workers.
- Protect the safety and health of incarcerated workers who make everything from license plates to college diploma covers yet exist largely outside the reach of federal safety regulations.

The Local officials should:

- Local governments should decriminalize loitering ordinances which can compel law enforcement officers to target vendors, day laborers, and sex workers.
- Refuse to coordinate efforts with federal immigration to ensure that workers and other residents can report crimes and speak freely with police and other local authorities.

⁽¹⁾Bureau of Labor Statistics press release. "NATIONAL CENSUS OF FATAL OCCUPATIONAL INJURIES IN 2015." 12/16/16.
<https://www.bls.gov/news.release/pdf/cfoi.pdf>. Accessed 1/18/17.

GOAL 5: REDUCE – AND WORK TO ELIMINATE – THE WIDESPREAD USE OF TOXIC CHEMICALS



BACKGROUND:

Approximately 100,000 chemicals are produced world-wide, many going into products we use daily. Yet few substances have been tested properly for health effects, especially for long-term impact or when they are combined with other toxic. Workers are often exposed to higher concentration of chemicals than consumers or the public. Worker and public need strong right-to-know laws about chemicals to which they are potentially or actually exposed, as well as the right-to-participate in decisions about the introduction, use/reuse, and disposal of chemicals and products made from them.

The president should:

- Direct the Environmental Protection Agency (EPA) to aggressively use the Toxic Substances Control Act (TSCA), which was amended in 2016 to protect the public and workers. This must include requiring chemical manufacturers, importers and users to fully disclose the ingredients and hazards of their products with accurate and complete data sheets.

- Direct the EPA to coordinate with worker representatives and federal and state health and safety agencies as it develops restrictions on chemical uses.
- Approve waivers under TSCA to support green chemistry, toxics use reduction, and informed substitution activities.

The Congress should:

- Appropriate adequate funds so that EPA can fully and effectively implement its new authority under the Toxic Substances Control Act, and other federal agencies can promote independent, free sources of information about the hazards of chemical substances and products (e.g., the National Library of Medicine's Hazardous Substances Database).

The State officials should:

- Adopt limits on occupational exposure to chemicals, which are not addressed by federal OSHA.
- Advocate and support the use of the Green Building Council's latest LEED requirements, and ensure that they incorporate the credits related to chemicals known or suspected of negatively affecting human health.



GOAL 6: ENSURE INJURED WORKERS ACCESS TO QUALITY, TIMELY MEDICAL TREATMENT & JUST WAGE REPLACEMENT BENEFITS



BACKGROUND:

Workers who are injured or made ill because of workplace conditions face barriers to health care access and receive inadequate benefits under workers' compensation programs. Decades of pro-business "reforms" in state legislatures have degraded financial protections and medical care for injured and ill workers. All workers need timely access to quality medical treatment and just wage replacement benefits.

The president should:

- Appoint a commission to study the adequacy of the state workers' compensation system and the need for minimum standards for benefits, including access to medical care and rehabilitation services, wage replacement, coverage for agricultural workers, day laborers, domestic workers, rescue workers, and others in atypical employment.
- Monitor and report on cost-shifting of work-related injuries and illnesses to "safety net" programs, including Social Security Disability Insurance and Medicare.

- Facilitate data sharing among state compensation systems, insurance carriers, state health departments, OSHA and OSHA State Plans to inform prevention efforts.

The State officials should:

- Stop a race to the bottom that shifts the costs of work related injuries onto society and worker –and away from the employer: ensure that injured workers receive comprehensive medical care and adequate income replacement.
- Repeal laws that discourage workers from reporting for workers compensation, including allowing drug testing even when there is no nexus between the injury and impairment.
- Prevent any and all retaliation against workers for filing a workers compensation claim.



GOAL 7: COUNT ALL OCCUPATIONAL INJURIES & ILLNESSES



BACKGROUND:

All work-related injuries and illnesses should be completely reported, counted, and tracked as part of a comprehensive state and federal public health surveillance system. This data is vital for public health prevention efforts, including targeted enforcement of dangerous industries and occupations. This should be complemented by a national hazard surveillance program.

The president should:

- Direct OSHA and MSHA to conduct robust enforcement audits of employers' injury and illness records to ensure the accuracy and completeness of the annual Survey of Occupational Injuries and Illnesses (SOII).

- Require all employers to complete the SOII, including federal, state and local government employees and farms with less than 11 workers.
- Expand NIOSH funding for federal and state-based public health tracking programs for work-related injuries, illnesses, and hazards.

The State officials should:

- Make company and industry occupational injury and illness data available to the public on the state agencies website in an easily accessible location and in an easy-to-use format.
- Fund occupational health surveillance programs within their health departments in order to monitor trends in work-related injury and illness prevalence and assess effectiveness of health and safety interventions.



GOAL 8: IMPLEMENT MEASURES TO ADAPT TO & PREVENT FURTHER CLIMATE CHANGE



BACKGROUND:

Climate change is our greatest public health challenge. Health and safety hazards faced by workers are and will be exacerbated by the changing climate, including from extreme weather events and vector-borne diseases.

The president, Congress, and state officials should:

- Invest in infrastructure and adaptation activities that use the four G's (green products, green production methods, green – healthy and safe – jobs with fair wages, and green communities.
- Provide a “just transition” for all workers – and their communities – who are adversely affected by moves to a sustainable environmental economy, by providing job training, economic and career support.
- Develop a standard to protect workers from heat-related illness and death, for those who work in outdoor as well as indoor settings.
- Develop special protections for workers involved in disaster response, especially the most vulnerable.

