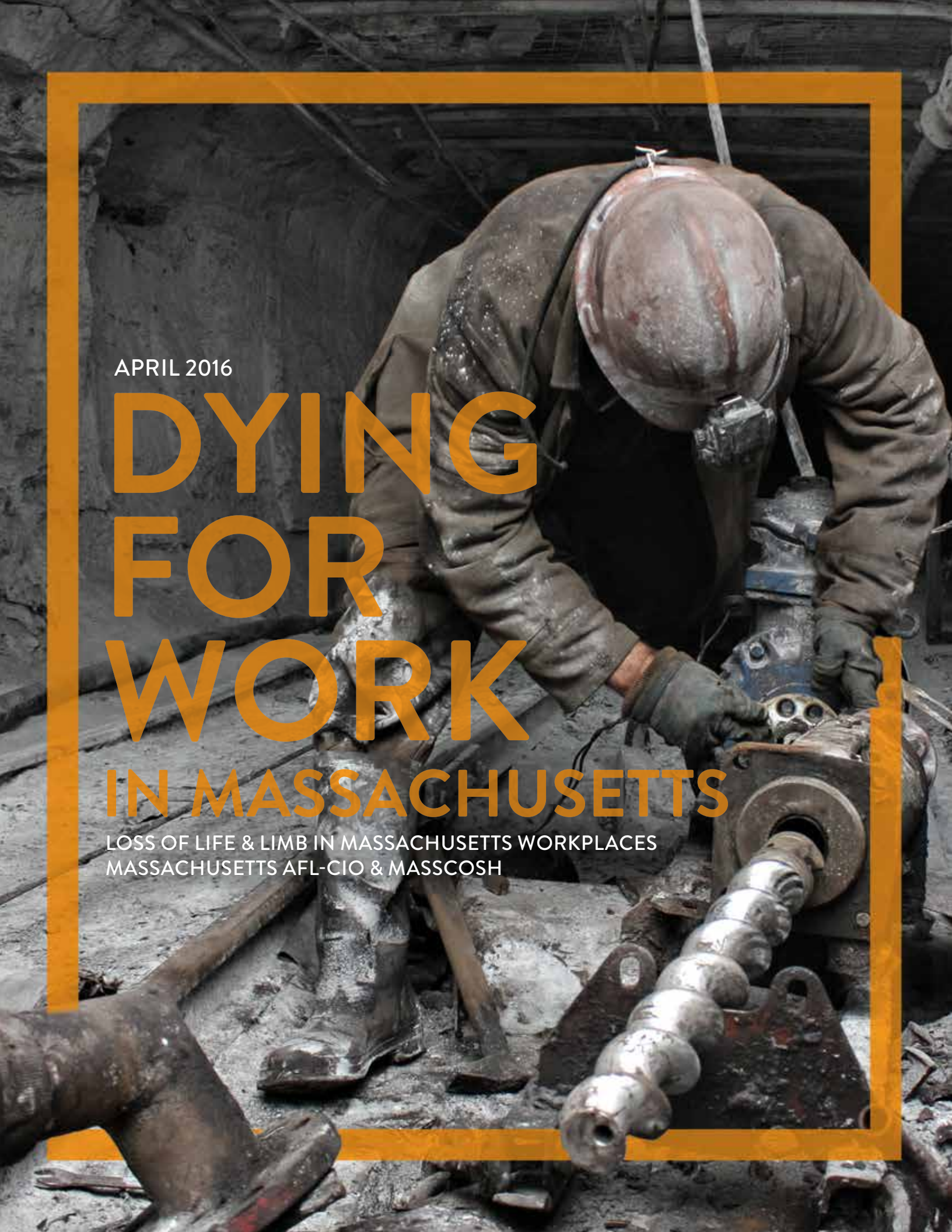

APRIL 2016

DYING FOR WORK IN MASSACHUSETTS

LOSS OF LIFE & LIMB IN MASSACHUSETTS WORKPLACES

MASSACHUSETTS AFL-CIO & MASSCOSH

KNOWING

“There are different ways of knowing:
Scientists tell us that the sharp shards of crystalline silica
damage the lungs of foundry workers and miners;
photographers capture the suffering in black and white;
story-tellers and balladeers tell us the history,
historians and novelists write it down;
poets dream of another world, they can call us to the ramparts,
they can help us understand the lonely nights of breathlessness.

In the end, the engineers tell us how to stop the carnage,
the trade unionists make it happen,
the bosses say ok.
What’s the harm if the scientist dreams,
if the historian tells the true story and cries at night,
if the boss tells god he’s sorry even if he cannot face his workers,
there’s no choice between prose and poetry,
only the sadness of the false “or”.”

CHUCK LEVENSTEIN,
PROFESSOR EMERITUS, UMASS LOWELL
—LONG-TIME FRIEND & SUPPORTER OF MASSCOSH

OVER 2000 AMERICAN WORKERS HAVE DIED IN THE TWENTY-FIRST CENTURY FROM SILICA EXPOSURES. NOW OVER 2 MILLION WILL BE PROTECTED BY THE NEW OSHA STANDARD (MARCH 2016). OSHA CHIEF DAVID MICHAELS ANNOUNCED, “IT WILL HAVE A BIGGER IMPACT THAN ANY REGULATION THAT OSHA HAS ISSUED IN THE LAST 20 YEARS IN TERMS OF SAVING LIVES AND PREVENTING ILLNESSES.”

IT’S BEEN A LONG TIME COMING -- AND WE WELCOME THE REFORM.

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INTRODUCTION

The Massachusetts Coalition for Occupational Safety and Health (MassCOSH) and the Massachusetts AFL-CIO collaborated to produce the 2016 report Dying for Work in Massachusetts: The Loss of Life and Limb in Massachusetts Workplaces. The Massachusetts AFL-CIO is the umbrella organization for more than 750 local unions, joint boards and district councils in the state, representing working men and women across the Commonwealth. MassCOSH and Western MassCOSH are non-profit organizations whose members include workers, unions and health and legal professionals. They provide information, training, education, technical services and advocacy aimed at helping to improve job safety and health conditions in workplaces through Massachusetts. MassCOSH provides services in Worcester and east. Western MassCOSH covers west of Worcester.

Work continues to kill and maim workers in epidemic and alarming numbers. This report has been compiled to highlight these tolls. The saddest aspect of the loss of lives and limbs is that work-related injuries and illnesses are preventable.

The authors of this 2016 Workers' Memorial Day report are most grateful to all who assisted in collecting and reviewing data, writing and editing, conducting interviews, and providing photographs

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- MASSACHUSETTS COALITION FOR OCCUPATION SAFETY AND HEALTH
- AFL-CIO INT'L HEALTH AND SAFETY DEPARTMENT
- NATIONAL COSH NETWORK

EXECUTIVE SUMMARY

April 28, 2016 marks the 28th observance of Workers' Memorial Day, when we remember workers who were killed, made ill, or injured on the job. We reflect on the tragedies of the past year and renew our commitment to fight for safe jobs.

THE TOLL: WORKPLACE DEATHS, INJURIES, & ILLNESSES IN MASS IN 2015

Sixty-three workers in Massachusetts lost their lives in 2015. Fifty-five of these men and women suffered fatal injuries at work, and eight firefighters died from work-related disease. Across the U.S., an estimated 50,000 workers die each year from occupational illness. Most of these deaths go undocumented. We are able to include firefighter fatalities from work-related illness here because under Massachusetts' Presumptive Disability Law, certain cancers and heart conditions are recognized as occupational in origin and are eligible for Workers' Compensation.

Non-fatal illnesses and injuries also take a heavy toll on workers in the Commonwealth. In 2014 (the most recent data available), there were 85,000 cases of non-fatal worker illness and injury in Massachusetts. Of these, more than 48,000 led to workers experiencing job restrictions or having to take days away from work.

WHO IS DYING FROM WORK?

The average age of workers killed by injuries was 47 years old, with a range of 21 to 85 years. Fifty-two percent of these workers were below the age of fifty when they died. Workers in their twenties accounted for 16% of all fatal injuries. Workers sixty and older accounted for 27% of all fatal injuries.

Eleven workers were immigrants, two from El Salvador and one each from Brazil, Canada, Cape Verde, China, Greece, Honduras, Ireland, Italy and Portugal. Their deaths accounted for 20% of all occupational fatalities from injury this year -- which slightly exceeds their representation in the workforce of the Commonwealth (18.78%).

The construction sector is one of the most dangerous for workers, with eighteen on-the-job fatalities occurring in 2015 -- nearly one-third of all fatal injuries. The retail, manufacturing and transportation sectors were the next most dangerous, with 5, 4, and 4 deaths from fatal injuries, respectively.

Firefighters suffered heavy losses this year, with eight firefighters dying from occupational illnesses, including cardiac arrest and cancers of the colon, brain, lungs, and esophagus.

WHAT IS KILLING THEM?

- As was the case in 2014, **transportation incidents were the leading cause of fatal injuries in Massachusetts in 2015**, contributing to the deaths of 23 workers. Of these, 11 were killed in single or multiple-vehicle crashes; eight were struck by moving vehicles or equipment while on foot on the jobsite or while working on roadways; and two fishermen drowned. Finally, a warehouse worker was pinned and killed after crashing a forklift, and a farmer was caught underneath a tractor.
- **Falls, slips, and trips were the next most common factor**, killing eighteen workers and comprising 33% of the year's losses from fatal injuries. Eight of these fatal falls happened on construction jobsites. Two men fell while working to remove snow from rooftops during the intense weather of 2015.
- **Violence took six workers' lives this year**. A delivery man and a taxi driver were both robbed, shot, and killed while on the job; a doctor was shot and killed by the son of a patient; a sous chef was stabbed with a 12-inch sushi knife by a co-worker; a clerk was found shot in the parking lot of a cell phone store; and a young man participating in a job-ready program was shot and killed by a rival while shoveling snow.

- **Another six workers died after getting struck, caught, or crushed by objects or equipment**. Two workers were struck by trees and one by sheetrock; one man was crushed by a 150-ft high pile of sand and another by a skid-steer bucket; and one industrial machinist was caught by a rotating piece and died from trauma to his chest, shoulder, and head.

WHAT CONTRIBUTES TO WORK-RELATED FATALITIES, INJURIES, AND ILLNESS?

The federal Occupational Safety and Health Administration (OSHA) is the agency charged with protecting the health and safety of all private sector workers. Yet OSHA lacks sufficient resources and tools to deter employers from putting their employees in harm's way. Without sufficient funds for staffing, in 2015, it would have taken OSHA's Massachusetts inspectors 152 years to inspect each workplace under its jurisdiction.

Monetary penalties for violations of the OSH Act have been increased only once in 40 years despite inflation during that period. As a result, the fines available under the OSH Act are inadequate to deter employers: In 2015, the average fine (based on final penalties) assessed to an employer with OSHA violations resulting in the death of a worker was $18,513.

WORKPLACE VIOLENCE: DISTURBING TREND OF DEATH BY GUNS IN THE WORKPLACE

Donald DePina, 66 from New Bedford was shot and killed while working in his taxi cab --the victim of an apparent armed robbery on November 28, 2015 by an 18 year old and a juvenile. Mr. DePina, a Vietnam War veteran, was a highly respected member of his community.

Six workers were victims of work- related homicides in 2015, all from armed attackers. Five workers were killed with firearms and one by stabbing. Deaths by firearms represent almost 10% of all the workplace fatalities reported in 2015 in Massachusetts.

These firearm deaths reflect what appears to be a disturbing trend of worker deaths by guns in the workplace when compared with previous years. This year's violent fatalities do not include information about whether the firearms were registered or not. African American and Latino workers are proportionally higher victims compared to the general working population. The prevention of gunshot injuries or fatalities in the workplace requires a broader societal approach than just increased safety measures in the workplace. Prevention of gun deaths at the workplace also requires control of the easy acquisition of guns—a common sense approach that has been blocked by US lawmakers consistently.

WORKERS AS CLIMATE CANARIES - THE CASE FOR CLIMATE-READY WORKFORCE PROTECTION PLANNING

Sean Corrigan was conducting a snow removal inspection at a warehouse in Canton following the winter storms of 2015 when he fell through a skylight and was killed. Mr. Corrigan was an Irish immigrant from Louisburgh, County Mayo. He leaves behind his beloved wife and children and his four brothers and 10 sisters.

Four workers were killed while working during the extreme snow events of the winter of 2014-2015. According to accepted climate models, extreme weather events are "the new normal" for Massachusetts. In the past several decades, the amount of precipitation falling during storms has increased 70%. Floods, storms, and heatwaves present well-recognized work-related hazards for workers in construction and utility, emergency response, transportation, public safety and healthcare. However, despite the fact that these hazards are not novel, there is good reason to be concerned that employers are ill-prepared to protect workers from the work-related

conditions caused by extreme weather conditions. Many other workers will find themselves, like Sean Corrigan, on roofs and unaware of skylights, or working in flooded basements unaware of live electricity, or driving through storms to take care of other people.

MUNICIPAL WORKERS: UNEQUAL JOB PROTECTIONS

On October 16, 2015, a Greater Boston public works employee fell approximately 30 feet from an aerial lift bucket truck, resulting in numerous severe injuries. He was not using fall protection. He may have survived only as a result of hitting several tree branches on the way down, which slowed his fall, according to a Department of Labor Standards report.

Each week, an average of 28 municipal workers in the Commonwealth suffer injuries serious enough to be out of work for five or more days, according to a conservative estimate from the Massachusetts Department of Industrial Accidents (DIA). Despite the hazardous nature of their jobs, unlike private employees, public employees in Massachusetts – other than those in the executive branch - are not covered under the federal Occupational Safety and Health Act. This has resulted in inconsistent implementation of safety programs. There is, however, a state law that charges the Department of Labor Standards (DLS) with inspecting municipal workplaces and determining the measures needed to ensure worker safety.

WORKPLACE WELLNESS IS IT GOOD FOR WORKERS?

Workplace wellness programs are popular among employers and have grown into an $8 billion industry. These programs generally aim to encourage workers to be healthier by changing their behavior. With many working longer hours or doing the work of more than one person, more workers are finding their health impacted by both harmful working conditions and low wages. Unfortunately, most workplace wellness programs only see the workplace as a location to deliver services such as blood pressure screening, smoking cessation or weight loss programs – but they don't seek to improve the hazardous work conditions that can cause or contribute to health problems or chronic disease in the first place.

According to a 2015 report from the Department of Public Health, close to 70,000 workers suffer injuries each year in Massachusetts as a result of exposure to hazards in the workplace such as dangerous equipment,

heavy lifting, toxic chemicals and violence. Yet chronic illnesses that result from exposure to toxic chemicals, chronic wear and tear, fear of injury, and job stress are not reflected in these injury statistics. Worker advocates and policy makers are beginning to develop programs and target actions that both protect and promote the health of working people.

DRIVING ON-THE-JOB: THE DEADLIEST EVENT

Kevin St. Pierre Jr., age 22, was excited about his engagement to his high school sweetheart and enjoying his job as a tow truck driver. Kevin was out on a call to assist a motorist whose vehicle had a flat tire and was stopped in the breakdown lane of an interstate. Even with the tow truck's emergency yellow lights flashing and wearing a high visibility vest, he and his tow truck were struck by a passing box truck that was traveling in the right-hand lane. The operator of the box truck, who was also driving for work at the time of the crash, did not move over one lane to provide a safe buffer, or slow down when passing the emergency vehicle.

Many of us drive for work, though many only drive occasionally for work. Yet the number of work-related driving deaths in Massachusetts is significant - 95 workers were killed in motor vehicle-related events from 2008-2015. These kinds of motor vehicle-related deaths involving workers are routinely one of the top two events that are killing Massachusetts workers. Employers' responsibility to keep their workers safe on-the-job includes protecting all employees who drive or ride in motor vehicles as part of their job.

WHAT IS NEEDED?

AT THE FEDERAL LEVEL

- Strengthen OSHA's ability to deter employer violations by increasing civil and criminal penalties for violations and expanding use of criminal prosecution to deter employers who recklessly endanger workers' lives.
- Expedite rulemaking to update OSHA standards including confined space entry in construction, beryllium, and infectious diseases, and move forward with the new standard on permissible exposure limits (PEL) for silica.
- Require OSHA violations be fixed within the abatement period, regardless of whether the company challenges the OSHA violation to prevent companies from delaying critical safety fixes while they work through what can be a lengthy administrative appeal process.
- Governmental and other interested groups should partner to establish a comprehensive U.S. worker fatality database to facilitate accurate, open-source data collection that enable workers, public health advocates, journalists, family members and the public to search and visualize data about fallen workers, their employers, and the conditions contributing to their deaths.
- Expand efforts to protect vulnerable workers, including temporary, subcontracted and immigrant workers, by increasing the number of multi-lingual investigators, strengthening whistleblower protections, and holding all employers responsible – including host, staffing agency and subcontractors.

AT THE STATE & LOCAL LEVEL

- Include "climate-ready" workforce protection planning in public health adaptation assessments with a focus on workers who are on the front lines of response to severe weather and other climate change events.
- Halt Governor Baker's Executive Order 562 - which mandates a review of state regulations to prevent them from exceeding federal requirements. Many statutes, as enacted by the Legislature, were specifically designed and intended to exceed minimum federal regulations.
- Enact laws that hold employers responsible for their subcontracted and temporary workers, and restrict city and state vendors from using temporary agencies as intermediaries with public funds.
- Provide injured and ill workers with just compensation and swift access to medical care by increasing benefits and streamlining workers' compensation procedures.
- Provide the Department of Labor Standards (DLS) with the resources needed to effectively implement the new state employee health and safety law and expand these safety and health protections to encompass all public employees.

AT THE WORKSITE

- Provide staffing levels, workloads and work hours that are most conducive to a safe, healthy work environment
- Enact comprehensive worksite safety programs that focus on identifying and eliminating or reducing hazards, not blaming workers.
- Ensure a strong, protected and collective voice of workers, through their unions, involved in all aspects of these comprehensive worksite health and safety programs.

IN MEMORIAM

The men and women known to have died from work-related causes in Massachusetts in 2015 and through March 31, 2016 are listed below. Fire fighters who died from occupational illness are included in this list, but we have no names for the hundreds more people who died from work-related disease in other industries. No database contains their information. We will never know who most of these fallen workers are, but we honor them all.

Once again this year, we are deeply saddened to include in this list a serviceman from Massachusetts who was killed in Afghanistan. The places listed below indicate where fallen workers were injured or made ill; the dates reflect the day of each worker's death.

2015

- A. "PHIL" PHILIP BOUCHIE JR. - *55*
  Acting Fire Lieutenant, Gloucester, 01/13/2015
- STEVEN REIS - *37*
  Carpenter, Boston, 01/14/2015
- MICHAEL DAVIDSON - *44*
  Cardiac surgeon, Boston, 01/20/2015
- JAVON BROWN - *36*
  Cell phone store clerk, New Bedford, 01/22/2015
- JOHN TEMPLETON
  Fire fighter, Marshfield, 01/22/2015
- JONATHAN PERKINS - *38*
  Arborist, Berlin, 01/23/2015
- RONALD KAWEJSZA - *73*
  Chemical processing machine operator, North Andover, 01/29/2015
- PATRICK SLATTERY - *44*
  Brewery Operator, Lowell, 02/06/2015
- CESAR MOYA-PADILLA - *60*
  Production baker, Medford, 02/09/2015
- KENNY LAMOUR - *21*
  Snow removal, Boston, 02/11/2015
- KEVIN "GEORGE" ST. PIERRE JR. - *22*
  Tow truck driver, Auburn, 02/11/2015
- RENE PAQUIN - *55*
  Logger, Westminster, 02/18/2015
- SEAN CORRIGAN - *42*
  Carpenter/contractor, Canton, 02/22/2015
- WAYNE PARMENTER - *52*
  Auto body foreman, Wayland, 03/08/2015
- ROBERT MAJOR - *45*
  Office cafeteria manager, Wellesley, 03/14/2015
- ADAM FRANCO - *32*
  Fire fighter, Fall River, 03/16/2015
- MICHAEL WILLETT - *54*
  Fisherman, Nantucket Sound, 03/29/2015
- BRUCE ALAN WOOD - *62*
  Bulk mail driver, Plympton, 04/10/2015
- RAYMOND THOMAS - *61*
  Fire fighter/EMT, Hull, 04/13/2015
- KIP BILLINGS - *62*
  Salesman, Spencer, 04/14/2015
- TIMOTHY MELCHER II - *24*
  Disaster restoration technician, Wareham, 04/15/2015
- JOEL REED JR - *36*
  Welding supply driver, Plympton, 04/17/2015
- LENORE TRAVIS - *67*
  Farmer, Lincoln, 04/26/2015
- BRIAN "BUDZY" WHITE - *43*
  Drum technician, Westfield, 05/03/2015
- JEFFREY SCHNEIDER - *60*
  Accountant, Burlington, 05/04/2015
- TODD "DEMSEY" ZULLO - *40*
  Musician, Westfield , 05/05/2015
- JOHN THEBEAU JR. - *62*
  Construction dump truck driver, Saugus, 05/13/2015
- NEIL FAIRNENY - *61*
  Maintenance worker, Melrose, 05/30/2015
- SCOTT MARK "SCO" SALMAN - *59*
  Fire fighter, Boston, 06/04/2015
- RICHARD "ROB" O'RILEY - *51*
  Construction worker, Holyoke, 06/10/2015
- RONALD "MOOSE" MORSE III - *40*
  Iron worker, Somerville, 06/11/2015
- SCOTT ROY HOLLIS - *26*
  Tree worker, Littleton, 06/30/2015
- CHARLES PACE - *65*
  Loader operator, Plymouth, 06/30/2015

- BRUNO FERRARA SR. - *55*
  Construction company owner, Mansfield, 07/13/2015
- JOSE LUIS MEDARDO TOBIAS-VALLE - *28*
  Car wash employee, Malden, 07/19/2015
- LAWRENCE O'LEARY - *54*
  Iron worker, Boston, 07/24/2015
- JOSE CHAVES REGO - *60*
  Construction worker, Hudson, 07/25/2015
- ROBERT HACKETT JR. - *58,*
  Paramedic, Springfield, 07/25/2015
- VASILIOS "BILL" PAPPAS - *61*
  Toll collector, Auburn, 07/31/2015
- DAVIDE NASCIMENTO - *28*
  Construction worker, Longmeadow, 07/31/2015
- JOSE LUIS VASQUEZ PEREIRA - *38*
  Garage worker, Revere, 08/13/2015
- RONALD MCKEAN - *49*
  Carpenter, Boston, 08/17/2015
- KEVIN MIRANDA - *48*
  Crane operator, Taunton, 08/17/2015
- ROBERT CHARPENTIER JR. - *68*
  Plumber, New Braintree, 08/23/2015
- ELIVELTON DIAS - *38*
  Restaurant sous chef, Peabody, 08/29/2015
- NICHOLAS DUMONT - *24*
  Construction worker, Taunton, 09/04/2015
- KENNETH MONTGOMERY - *74*
  Fleet manager, Braintree, 09/15/2015
- DONALD "SPONGY" SPONGBERG - *52*
  Commercial truck driver, Lexington, 09/30/2015
- ROBERT "BOBBY" QUINN - *57*
  Fire fighter, Somerville, 10/04/2015
- KYLE ASHWORTH - *21*
  Motorcycle mechanic, Boylston, 10/16/2015
- ANTHONY COLARUSSO - *39*
  Fire fighter, Plymouth, 10/20/2015
- ROLAND WILLARD SHAW - *85*
  Mechanic, Newton, 10/24/2015
- JEFFREY MARHEFKA - *44*
  Master builder, Worcester, 11/04/2015
- NICHOLAS KOBUS - *28*
  Licensed electrician, Paxton, 11/04/2015
- FAN CHEUNG LI - *40*
  Deliveryman, Springfield, 11/07/2015
- DONALD DEPINA - *66*
  Taxi driver, New Bedford, 11/28/2015
- JAMES BURGESS - *45*
  Construction worker, Boston, 12/02/2015
- DAVID "HEAVY D" SUTHERLAND - *Eel boat captain, Cape Ann, 12/03/2015*
- ALCIDES VEIGA - *43*
  Warehouse worker, Easton, 12/09/2015
- JOSEPH BRADY - *71*
  Christmas tree salesman, Stoughton, 12/11/2015
- FREDWILSON DOSSANTOS - *23*
  Construction worker, Marion, 12/16/2016
- PAUL SULLIVAN - *48*
  Fire lieutenant, Somerville, 12/19/2015
- EDGARD NIEVES - *30*
  Machinist, Holden, 12/24/2015

2016

- NORVAL DOUGLAS BRYANT - *52*
  Carpenter, Lynn, 01/07/2016
- JEFF MARTELL - *50*
  Musician, West Springfield, 01/08/2016
- QUESHON IVY - *34*
  Construction worker, Boston, 01/13/2016
- RICARDO OLIVEIRA - *22*
  Construction worker, Sutton, 01/15/2016
- NICHOLAS PENZA - *18*
  pizza delivery driver, Bellingham, 2/5/16
- DRAKE SCOTT JR. - *25*
  Musician, Randolph, 02/17/2016
- MICHAEL HASSETT - *62*
  Warehouse manager, Norton, 02/17/2016
- JOHN CARROLL - *47*
  Carpenter, Somerville , 02/26/2016
- THOMAS CLARDY - *44*
  State Trooper, Charlton, 03/16/2016
- BRIAN CARON - *43*
  Seafood facilities manager, Boston, 03/23/2016
- WAYNE BARNES - *43*
  Truck driver, Haverhill, 3/29/16

U.S. TROOPS FROM MASSACHUSETTS IN 2015

- JOHN M. DAWSON - *28*
  U.S. Army Spc., Whitinsville, 04/08/2015

NUMBER BEHIND THE FACES

Sixty-three workers lost their lives in Massachusetts in 2015, including 55 who suffered fatal injuries at work. In addition to those 55, another eight fire fighters died from occupational illness[1].

Workers in other sectors who died from occupational illness are unaccounted for in this report. Work-related illnesses are estimated to kill 50,000 people in the United States every year. Despite the magnitude of that number, there is no comprehensive documentation of these workers or the illnesses that kill them.

	2010	2011	2012	2013	2014	2015
WORKPLACE FATALITIES	47	58	32	48	49	63
RATES (DEATHS PER 100,000 EMPLOYEES)	1.3	1.7	1.0	1.4	1.5	1.9

WHO ARE THE FALLEN WORKERS?

- They are mostly men. Year after year, the vast majority of workers killed on the job are men. This year, only one of Massachusetts' fallen workers was a woman.
- Some are immigrants. At least 11 of the workers killed in Massachusetts in 2015 were immigrants. Two came from El Salvador. Others immigrated from Brazil, Canada, Cape Verde, China, Greece, Honduras, Ireland, Italy and Portugal.
- Immigrant workers accounted for 20 percent of all occupational fatalities from injury this year -- which slightly exceeds their representation in the workforce of the Commonwealth. The most recent data from the Bureau of Labor Statistics indicates that foreign-born workers comprise 18.78% of the Massachusetts workforce.
- Their average age at death was 47 years old, and the median age was 45. The two youngest workers to die this year, Kenny Lamour and Kyle Ashworth, were just 21 years old when they died. The oldest, Roland Willard Shaw, was 85.

WHAT SECTORS AND INDUSTRIES DID THEY WORK IN?

The highest concentration of worker deaths this year in Massachusetts occurred in the construction industry -- nearly 1/3 of all the workers who were killed by occupational injury worked in the construction and building trades. Within this sector, workers died most often from falls (10 workers), followed by transportation incidents (5 workers).

The retail trade sector experienced the next highest numbers of worker deaths in 2015, with five workers dying on the job from causes ranging from violence to falls.

In the manufacturing sector, three workers died from transportation incidents and one worker was killed when he came into contact with industrial equipment. Four transportation and warehousing workers were also killed: a taxi driver, a tow truck driver, a commercial truck driver, and a contract mail hauler. The taxi driver was shot. The others died in transportation incidents.

Three workers in the agriculture, fishing, farming and hunting sector were also killed on the job.

Two were fishermen who drowned and one was a farmer who died when her tractor flipped.

Additional sectors in which workers died from fatal injuries can be found in the table. Eight firefighters also died from work-related cardiac conditions and cancers.

HOW ARE THEY DYING?

Transportation incidents were the leading cause of death from fatal injuries in Massachusetts in 2015, followed closely by falls. Violence, contact with objects or equipment, and explosions also claimed the lives of Massachusetts workers this year.

23 died in transportation incidents in 2015. Of these, 11 were killed in single or multi-vehicle crashes; eight were struck by moving vehicles or equipment while on foot on the jobsite or while working on roadways; and two fishermen drowned. Finally, a warehouse worker was pinned and killed after crashing a forklift and a farmer was caught underneath a tractor.

18 workers died after falling, slipping or tripping at work. Eight of these fatal falls happened on construction jobsites. Two men fell while working to remove snow from rooftops during the intense weather of 2015.

6 workers' lives were taken by violence this year. A delivery man and a taxi driver were both robbed, shot, and killed while on the job; a doctor was shot and killed by the son of a patient; a sous chef was stabbed with a 12-inch sushi knife by a co-worker; a clerk was found shot in the parking lot of a cell phone store; and a young man participating in a job-ready program was shot and killed by a rival while shoveling snow.

6 workers died after getting struck, caught, or crushed by objects or equipment. Two workers were struck by trees and one by sheetrock; one man was crushed by a 150-ft high pile of sand and another by a skid-steer bucket; and one industrial machinist was caught by a rotating piece and died from trauma to his chest, shoulder, and head.

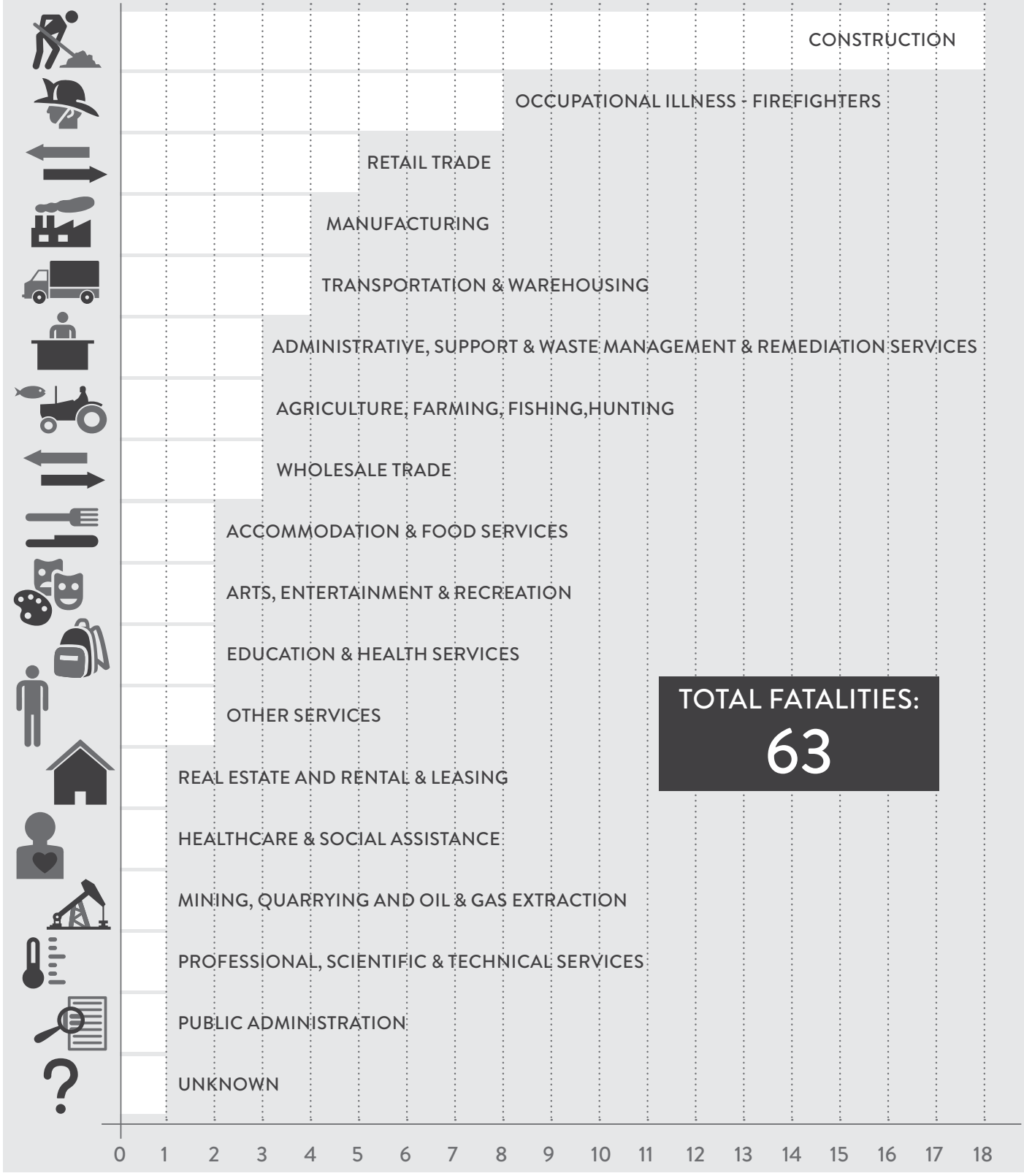
2 workers were killed by explosions. Robert Charpentier Jr. died when a hot water heater pilot light ignited leaking propane while he was installing a propane-fueled furnace at a home in New Braintree. In a garage in Revere, a tire burst and killed Jose Luis Vasquez Pereira.

8 firefighters died from occupational illnesses, including cardiac arrest and cancers of the colon, brain, lungs, and esophagus.

NONFATAL OCCUPATIONAL INJURIES AND ILLNESSES

The most recent data available from the Bureau of Labor Statistics (BLS) for nonfatal occupational injuries and illnesses are for 2014. That year in Massachusetts, there were more than 85,000 recordable incidents of non-fatal occupational injuries and illnesses. Of these cases, more than 48,000 led to workers experiencing job restrictions or having to take days away from work or transfer jobs.

INDUSTRIES OF WORKERS KILLED IN 2015



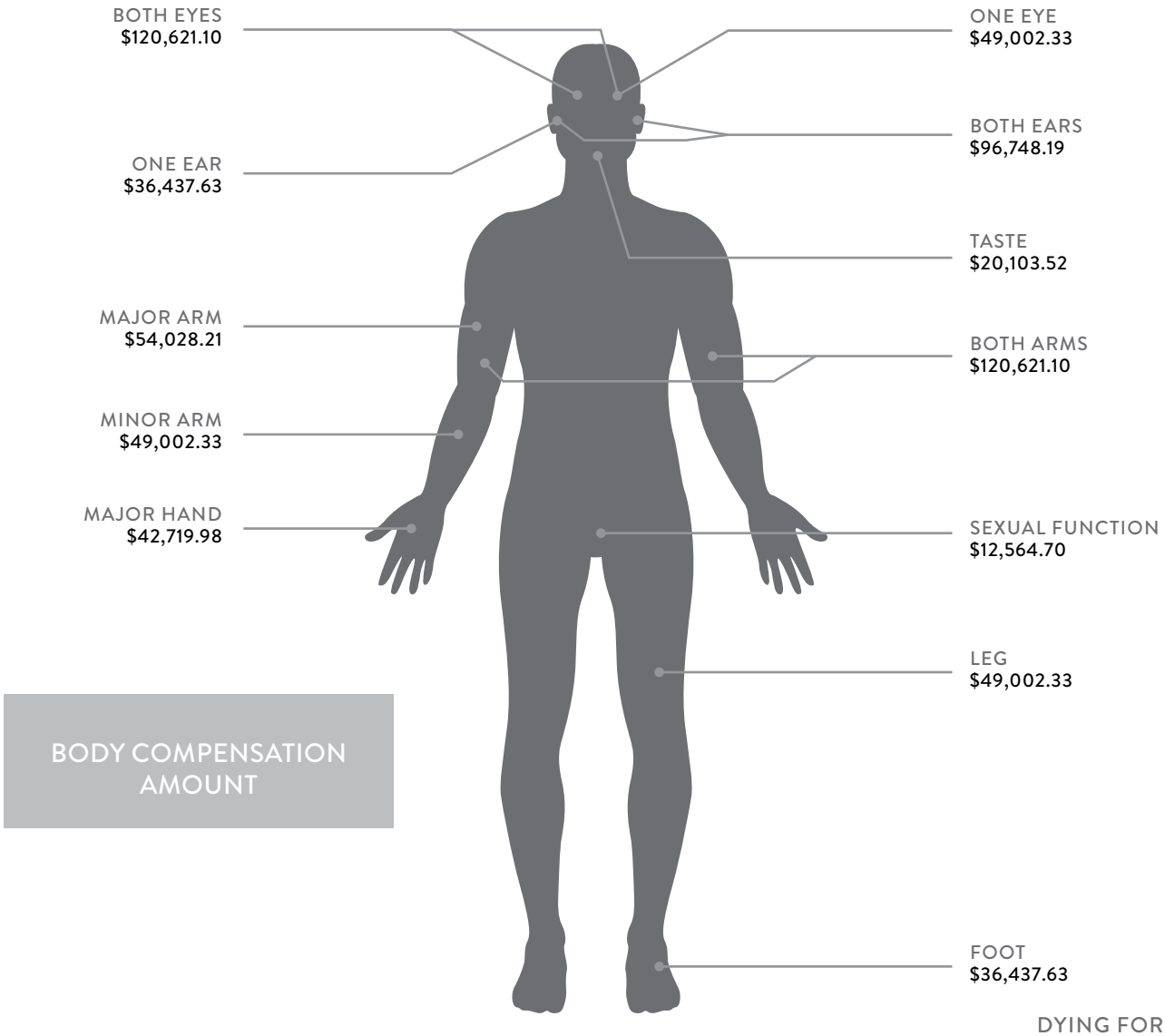
WHAT IS YOUR LIFE WORTH?

In the early 1900s, workers' compensation was enacted across the country, ensuring workers injured on the job would receive medical care and speedy, adequate wage replacement benefits in exchange for the right to sue their employers. Reports in the last two years, one by ProPublica and one by federal OSHA, confirm that for far too many workers, workers' compensation is grossly inadequate and that the true cost of workplace injuries has increasingly shifted to workers themselves and to taxpayers.

These reports highlight the many barriers for injured workers to obtain the benefits to which they are entitled. A Massachusetts study found that half of the work-related amputation patients received no workers' compensation benefits. OSHA reported that low-wage workers faced even greater barriers to filing injury claims including fear of being fired, lack of knowledge about their rights, or limited assistance for those who speak languages other than English.

While workers receive some compensation for permanent scars or disfigurement on their face, neck and hands, those with scars or disfigurement on legs or other body parts currently receive no compensation. This year, the state Senate passed a bill that would change that, and the bill (S2033) is currently in the House Committee on Ways and Means.

When a worker loses a specific body part from a workplace injury, workers' compensation pays a set amount, based on the average weekly wage multiplied by a figure that varies by body part, as shown below.



WORKPLACE VIOLENCE: DISTURBING TREND OF DEATH BY GUNS IN THE WORKPLACE

DONALD DEPINA, *66 from New Bedford was shot and killed while working in his Taxi Cab --the victim of an apparent armed robbery on November 28, 2015. An 18 year-old and a juvenile were arrested. Mr. DePina was a highly respected member of his community. Donald was a Vietnam War veteran and served the veterans community of Massachusetts as a Service Veteran Agent for New Bedford where he provided services for veterans not only from the Vietnam War but also WW II, Korea and the first Gulf War. He was especially concerned about Post Traumatic Stress Syndrome (PTSD) in veterans of all wars. Mr. DePina went back to Vietnam on a special PTSD study team and participated on a PTSD study with the University of Massachusetts. Mr. DePina's family, the public and veteran organizations mourn the loss of a valued and engaged member of his community.*

WHO IS GETTING KILLED?

Six workers were victims of work-related homicides in 2015, all from armed attackers. Five workers were killed with firearms and one by stabbing. Deaths by firearms represent almost 10% of all the workplace fatalities reported in 2015 in Massachusetts. In the last 6 years, 22 workers were killed as a result of violence in the workplace. These firearm deaths reflect what appears to be a disturbing trend of worker deaths by guns in the workplace when compared with previous years. This year's violent fatalities do not include information about whether the firearms were registered or not.

Nationally, there are about 520 workplace homicides each year. African American and Latino workers are proportionally higher victims compared to the general working population. The proportion of workplace homicides is 21.7% for African Americans, who represent 10.8% of the working population in the U.S. For Latinos, the proportion of workplace homicide rate is 16.2%, who represent 13.5% of the working population (Data from 1993-2009). Eighty percent of all homicides in the workplace from 1993 to 2003 were caused by firearms and about 70% of workplace homicides were committed by strangers to the worksites in the 2005-09 period. (Studies by USDOJ in 2011)

EASY ACQUISITION OF GUNS

The prevention of gunshot injuries or fatalities in the workplace requires a broader societal approach than just increased safety measures in the workplace. But we must also control the easy acquisition of guns—a common sense approach that has been blocked by US lawmakers consistently. It is estimated that 300,000,000 firearms are owned by Americans. Even with this staggering number, law enforcement still could take steps for a strict control system to stop anybody from carrying concealed weapons into the workplace.

A nationwide survey of gun owners (The Hill, 7/3/2014) reported that 92% support background checks of would be gun buyers. Following the 2015 mass shooting at a church in Charleston, SC, President Obama issued an executive order (White House Fact Sheet: New Executive Actions to Reduce Gun Violence, 01/04/2016) that proposes to crack down on illegal gun trafficking by making sure that high-volume gun sellers get licenses and run background checks.

Public health advocates even suggest that we need to approach gun violence in the same way we have for other public health campaigns that have, for example, targeted polio, smoking-related cancer or car accidents.

There is also an urgent need for allies in the worker and public health policy communities to address the uncontrolled availability of guns and introduction of firearms in the workplace that has not been directly addressed as part of a workplace prevention strategy.

WHAT NEEDS TO BE DONE: PERSPECTIVES

2015 GUN LAW STATE SCORE CARD
Law Center to Prevent Gun Violence (LCPGV), San Francisco, CA

"Year after year, we have seen a powerful correlation: states with stronger laws have fewer gun deaths per capita, while states with weaker laws have more gun deaths.

In 2015 there were four states with gun laws stricter than Massachusetts. The Commonwealth could improve its LCPVG Score by requiring background checks in all gun sales at the point of sale."

CHRISTINE PONTUS, RN
Associate Director Health & Safety, Massachusetts Nurses Association

"Organizations need to deal with the issue of workplace violence head-on with education, training and enforceable systems as opposed to denying that the problem exists. In Feb, 2016 the MNA submitted a bill - An Act Requiring Health Care Employers to Develop and Implement Programs to Prevent Workplace Violence (S.1313/H.1687). The bill would require health care facilities to adopt a prevention program including, but not limited to, training, reporting and creation of teams at the worksite to prevent escalation at the early stages and response to a violent situation."

SUMMYYAH STEELE
TL@W

"In our communities, people use guns as a form of power. We have an issue because we don't know how people are getting them. Guns contribute to workplace violence because people use them for the wrong reasons-to threaten people and get them to do what they want. Having easy access to guns increases our risk, as workers, of becoming targets."

WORKERS AS CLIMATE CANARIES: THE CASE FOR CLIMATE -READY WORKFORCE PROTECTION PLANNING

SEAN CORRIGAN *was conducting a snow removal inspection at a warehouse in Canton following the winter storms of 2015 when he fell through a skylight and was killed. Mr. Corrigan was an Irish immigrant from Louisburgh, County Mayo. He leaves behind his beloved wife and children and his four brothers and 10 sisters.*

THE PROBLEM

Sean Corrigan and three other workers were killed while working during the extreme snow events of the winter of 2014-2015. According to accepted climate models, extreme weather events are "the new normal" for Massachusetts. The Massachusetts Bureau of Environmental Health has found that in the past several decades, the amount of precipitation falling during storms has increased 70% and reports that while winters in the Commonwealth will be milder overall in terms of snow cover, winter precipitation will increase by 30%, often in the form of ice storms and Nor'Easters.

Climate change events and projections like these are of deep concern for workers who will be exposed to more frequent and more severe weather events and their aftermath as workplace hazards. Increasingly, these workers are going to find themselves in vulnerable positions, as Sean Corrigan did this past winter: on snow-covered rooftops unaware of skylights, or working in flooded basements unaware of live electricity, or driving through storms to take care of other people.

Storms, floods, and heatwaves present well-recognized work-related hazards for workers in construction and utility, emergency response, transportation, public safety and healthcare.Although these hazards are not novel, employers are generally ill-prepared to protect workers against them. Instead, workers are facing greater climate-change related hazards at the same time that workplace protections are being eroded. Workers in small businesses and the public sector, self-employed workers, construction workers and day laborers, temporary workers, immigrants, and others face a triple burden of the most hazardous jobs, labor market vulnerabilities, and weak occupational safety and health regulatory oversight. Day laborers, for instance, were on the frontlines of "disaster relief" after Hurricane Sandy in New York City and New Jersey and continue to be recruited to remove dangerous materials from storm-damaged buildings and to undertake repairs. Very rarely do they work for employers or building owners who are providing proper safety oversight, training, hazard prevention, and safety equipment.

In addition to storms, worker exposure to severe heat is also of growing concern, even in the cooler New England climate. Public health advisories warn residents to seek air conditioning and shade during the increasing number of heat waves, but such warnings fail to take into account that workers' exposure is part of their jobs. After the death of Medford mail carrier James Baldassarre in 2013, OSHA required the US Postal Service to implement a heat stress exposure prevention program. Other employers face no such obligation. Despite years of advocacy efforts, OSHA has failed to issue a heat stress prevention standard. Instead, it promotes a regime of voluntary action on the part of employers to protect workers from the deadly climate-related hazards of heat.

WHAT IS BEING DONE

With the exception of Delaware, almost no states have taken steps to incorporate workers into climate change adaptation planning. Many working populations are not included in climate change vulnerability assessments,

and resources and infrastructure are often not made available to protect them from weather and disaster-related hazards. Massachusetts is an emerging leader in guaranteeing OSHA level protections to public sector workers, but across the country improved protections are typically not the case. State action is critical for strengthening health and safety for those likely to be on the front lines of response to severe weather.

At the national level, the Centers for Disease Control is funding states to do public health adaptation assessment and planning. However, it is up to advocates at the state and local levels to make sure that this public health planning includes attention to workers (see *https://www.apha.org/~/media/files/pdf/topics/environment/adapt_in_action.ashx*).

The National Institute for Occupational Safety and Health has a resource-rich webpage focused on Climate Change and Occupational Safety and Health at *http://www.cdc.gov/niosh/topics/climate/how.html*. OSHA is monitoring heat-related worker deaths and is working with other federal agencies focused on "weather-readiness."

Additionally, OSHA has many educational resources targeted at helping employers be prepared for severe weather events, including winter weather (see: https://www.osha.gov/dts/weather/winter_weather/beprepared.html)

MassCOSH and four other worker centers are working with The New England Consortium to help ensure that day laborers who are hired by contractors for storm clean-up work receive some hazard prevention and protection training.

These worker centers, which include Brazilian Worker Center, CCT of New Bedford, MetroWest Worker Center and Fuerza Laboral, will continue to advocate for safe and healthy workplaces for all workers in all weather conditions.

WHAT NEEDS TO BE DONE: PERSPECTIVES

CORA ROELOFS
ScD, author of "Workers: the Climate Canaries" in the American Journal of Public Health

"Massachusetts should lead the nation by requiring 'climate-ready' workforce protection planning in both the public and private sector with a focus on the vulnerable workers on the front lines of climate change."

CRAIG SLATIN
UMass Lowell Professor, Director of TNEC

"Climate change will make work more dangerous for many workers. After Hurricanes Katrina and Sandy thousands of immigrant day laborers were exposed to dangerous molds, spilled toxic chemicals, life-threatening safety hazards while working without protections or training in their primary language, helping devastated areas recover from the massive destruction. All these workers need disaster and hot weather preparedness health and safety training, and their employers need to establish hot and extreme weather health and safety policies and provide protective equipment to prevent injuries, heat stroke, and toxic exposures."

ADRIÁN VENTURA
Executive Director, Centro Comunitario de Trabajadores

"Climate change is affecting our workers in New Bedford. We are seeing many workers in recycling and in sewing suffering from heat stress. During the bad snowstorms, we are seeing many workers sent to do clean up without protection and getting injured. We are establishing a worker center emergency response network so we can prepare workers to respond in a way that keeps them safe."

MUNICIPAL WORKERS: UNEQUAL JOB PROTECTIONS

On October 16, 2015, a Greater Boston public works employee fell approximately 30 feet from an aerial lift bucket truck, resulting in numerous severe injuries. He was not using fall protection. He may have survived only as a result of hitting several tree branches on the way down, which slowed his fall, according to a Department of Labor Standards report. According to observors, the worker was ejected from the bucket when a branch the boom of the truck was leaning on snapped, causing a "whipping effect with the boom."

THE PROBLEM

Each week, an average of 28 municipal workers in the Commonwealth suffer injuries serious enough to be out of work for five or more days, according to data from the Massachusetts Department of Industrial Accidents (DIA). The DIA notes that this is a conservative estimate, as the data don't include all municipal workers. Nationally, municipal workers have consistently higher rates of lost or restricted time injuries and illnesses compared to private sector workers – by about 40%, according to the U.S. Bureau of Labor Statistics. If total recordable injuries are included, the difference is even greater, with municipal workers having rates that are about 80% higher than private sector rates.

Despite the hazardous nature of their jobs, unlike private employees, public employees in Massachusetts – other than those in the executive branch - are not covered under the federal Occupational Safety and Health Act. This has resulted in inconsistent implementation of safety programs. There is, however, a state law that charges the Department of Labor Standards (DLS) with inspecting municipal workplaces and determining the measures needed to ensure worker safety. DLS can cite and fine municipalities that fail to address the hazards they document through their inspection.

In 2015, DLS issued thirteen investigation reports at Massachusetts municipalities as a result of hazards that resulted in injuries. Many of the hazards posed life-threatening dangers to municipal employees. The following are examples of cases that were conducted and are currently closed.

On February 20 and March 1, two municipal employees fell while clearing snow from the roofs of town buildings. In the February incident, a public works employee fell 35 feet through a skylight, suffering severe injuries. According to the DLS report, none of the skylights had railings, nets or covers installed to protect workers. In the March incident, a Public Buildings Department employee was working on the roof without fall protection, lost his footing and fell 9½ feet into a snow bank below.

On June 30, a central Massachusetts municipal employee from the Forestry, Parks and Cemeteries Division was operating a 52" stand-on commercial lawn mower, when the machine lost traction on the wet grass, causing the employee to lose control of the machine. The worker's right foot sustained severe lacerations when it came into contact with the machine's cutting blade. According to the DLS report, the machine was in disrepair but had not been marked as such nor taken out of use for repairs.

On January 6, a Southeastern Massachusetts municipal water division employee received injuries to his knee, back and face, when a tree he was cutting with a chain saw kicked back. According to the DLS report, the municipality lacked a formal training program on the use, inspection and maintenance of tools such as the chain saw, and was not able to provide a hazard assessment of the equipment.

DLS reports that the municipalities cited promptly responded and corrected the deficiencies identified. A commitment by each city and town to integrate safety management into all municipal operations would allow these deficiencies to be corrected before they cause a work-related injury, or are identified during DLS enforcement.

WHAT IS BEING DONE

The legislature is considering a bill that would extend federal OSHA protections to all public employees. In 2014, the legislature passed a similar bill, extending federal OSHA safety and health protections to executive branch employees.

The law has already had an impact: DLS provided 32 trainings to 970 executive branch employees to develop their health and safety knowledge and capabilities, and conducted 83 investigations, assisting each agency investigated with coming into compliance with OSHA standards. Thirteen state agencies obtained capital grants to make safety improvements. For example, a state agency serving people with developmental disabilities who are non-or partially ambulatory purchased lift equipment to move patients with reduced risk of painful back and shoulder injuries. The Department of Agricultural Services was able to purchase special LED lights for staff who work in cars in poorly lit areas to reduce the risk of being hit by fast-moving traffic.

WHAT NEEDS TO BE DONE: PERSPECTIVES

DEPARTMENT OF LABOR STANDARDS

"Cities and towns are encouraged to develop a "Safety and Health Management System" that includes management leadership… [including authorizing] a joint labor-management committee… risk controls, and performance measurement."

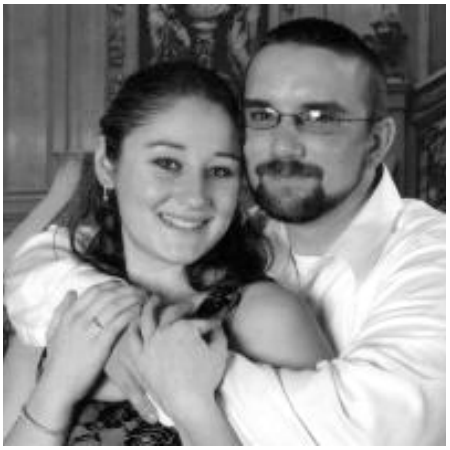
DAN HOFFER
Political Director, SEIU Local 888

"We are very pleased to see the Senate pass the public sector health and safety legislation. The era of piece meal workplace safety laws can come to an end. We will now have one standard to govern all work place safety issues, and that clarity will save lives."

PAUL MORSE
Project Director, The New England Consortium

"The federal occupational safety and health standard has a demonstrated and long track record of saving lives. We have seen first-hand through our work at TNEC that having consistent and clear safety measures averts catastrophic events. Given the hazards that public employees face, extending these standards to public sector workers is critical for our communities."

DRIVING ON-THE-JOB: THE DEADLIEST EVENT



KEVIN ST. PIERRE JR., *age 22, was excited about his engagement to his high school sweetheart and was really enjoying his job as a tow truck driver. He worked for a towing company in Massachusetts and was a dedicated employee with a strong work ethic.*

Kevin was out on a call to assist a motorist whose vehicle had a flat tire and was stopped in the breakdown lane of an interstate. Even with the tow truck's emergency yellow lights flashing and wearing a high visibility vest, he and his tow truck were struck by a passing box truck that was traveling in the right-hand lane. The operator of the box truck, who was also driving for work at the time of the crash, did not move over one lane to provide a safe buffer, or slow down when passing the emergency vehicle.

THE PROBLEM: WHAT NEEDS TO BE DONE

The incident that took Kevin's life highlights the multiple hazards that workers who drive as part of their job face every day. Kevin was a truck driver just trying to perform his job, which at times required him to be outside of his truck along roadways.

Driving is something many of us take for granted as part of our day-to-day lives. Many of us drive for work, and many only drive occasionally for work. However the number of work-related driving deaths in Massachusetts is significant - 95 workers were killed in motor vehicle related events from 2008-2015.

59 of these workers died in motor vehicle crashes, many while driving in either a company vehicle or a personal vehicle for work purposes.

36 of these workers were fatally struck by vehicles or equipment while performing job tasks.

These kinds of motor vehicle-related deaths involving workers are routinely one of the top two events that are killing Massachusetts workers.

WHAT ARE EMPLOYERS' RESPONSIBILITIES?

Employers' responsibility to keep their workers safe on-the-job includes protecting all employees who drive or ride in motor vehicles as part of their job. Developing a Motor Vehicle Safety Program can help keep employees safe on the road and reduce motor vehicle crashes involving their workers. The program can also help ensure that their workers are being properly supervised and trained and that workers are not being asked to perform unsafe driving tasks or tasks that can lead to unsafe driving.

An effective Motor Vehicle Safety Program should address at least these five areas:

- Company leaders' commitment to road safety. Management should lead by example and routinely communicate to employees that road safety is a priority and that they are expected to drive in a safe and responsible way.
- Policies to guide actions to promote road safety. Employers should develop written policies that include an assessment to identify the hazards drivers might encounter and how these hazards are going to be addressed. The policies should promote work schedules that will allow employees to obey speed limits and to follow applicable rules such as hours-of-service regulations, seat belt use, and prevention of distracted, drowsy and impaired driving.
- Driver selection, training and evaluation. Employers should ensure all drivers have a valid driver's license and provide safe driver training and refresher trainings to workers.

- Safe and well-maintained vehicles. Employers should ensure purchased and leased vehicles have the highest safety ratings and that all of the company vehicles are part of a vehicle maintenance schedule.
- Education about the Massachusetts Move Over Law should be included in a Motor Vehicle Safety Program. This law aims to make police, firefighters, paramedics, tow truck drivers, and all roadside emergency and maintenance professionals safer on the job. The law requires all drivers approaching a stopped emergency or maintenance vehicle with flashing lights to move to the next lane if it's safe to do so, and to reduce their speed if they cannot move over. The Move Over Law provides emergency and maintenance workers the space they need to get the job done, lets them get off the road more quickly, and will help prevent crashes at the scene of these temporary roadway work zones.

WHAT NEEDS TO BE DONE: PERSPECTIVES

JOE DORANT
President, Massachusetts Organization of State Engineers & Scientists.

"Workplace fatalities, injuries and illnesses are preventable. Safe jobs happen because employers make the choice to fulfill their responsibilities and protect their workers. Deaths such as Kevin's are tragic reminders of the dangers men and women face every day while working on busy highways as they keep Massachusetts' roads safe for all of us."

MARY M. MAGUIRE
Director, Public &Legislative Affairs, AAA Northeast

"At AAA Northeast, ensuring the safety of all motorists—including our vitally important emergency responders—is our top priority. That is why we urge all drivers to buckle up to protect themselves, their passengers, and their fellow motorists-- every time. And we also remind drivers to follow the law and slow down or move over when emergency responders are working at the road side. AAA helped pass the Slow Down, Move Over law in Massachusetts a number of years ago—and to ensure that all emergency responders are safer."

WORKPLACE WELLNESS: IS IT GOOD FOR WORKERS?

> *"The work that three people used to do is given to one person. That creates more stress and eating more…"*

> *"I don't have the desire to do exercise after standing for 15-16 hours…I just want to eat and sleep…The next day is the same thing all over again."*

THE PROBLEM

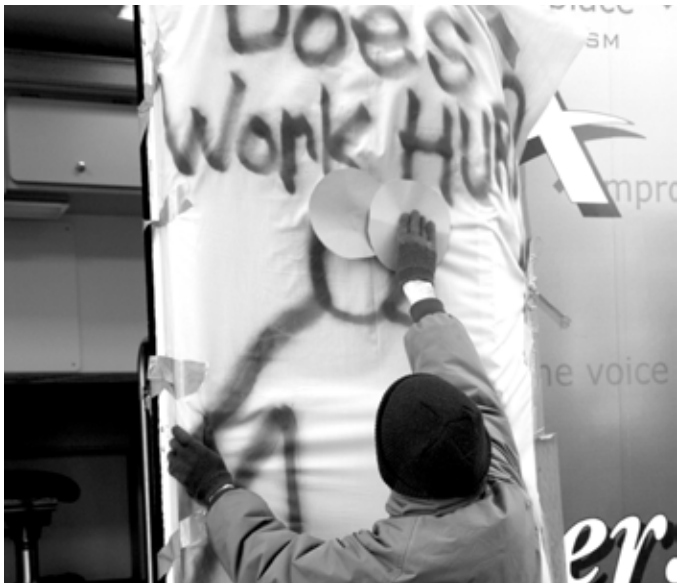
Workplace wellness programs are popular among employers and have grown into an $8 billion industry. These programs generally aim to encourage workers to be healthier by changing their behavior. But very few address working conditions that harm workers' health, either directly or indirectly. With many working longer hours or doing the work of more than one person, more workers are finding their health impacted by both harmful working conditions and low wages. Unfortunately, most workplace wellness programs only see the workplace as a location to deliver services such as blood pressure screening, smoking cessation or weight loss programs – rather than improving work conditions that can cause or contribute to health problems.

Many wellness programs use financial incentives such as lower costs for their health insurance to get workers to participate. These "carrots" can also turn into "sticks" if they lead to charging higher insurance premiums for those who don't participate or who fail to reduce their blood pressure or their weight. Incentives can become financial penalties that shift costs onto workers, especially low-income workers and workers with disabilities.

WHAT ARE WE MISSING WHEN WE DON'T CONSIDER WORK CONDITIONS IN A WELLNESS PROGRAM?

According to a 2015 report from the Department of Public Health, close to 70,000 private sector workers suffer injuries and illnesses each year in Massachusetts as a result of exposure to hazards in the workplace such as dangerous equipment, heavy lifting, toxic chemicals and violence. Yet, the full range of chronic illnesses that result from these exposure are not reflected in these injury statistics.

The burden of these occupational risks is not borne equally. It is widely recognized that low wage workers, including many immigrant and minority workers, are disproportionately employed in physically demanding, unsafe jobs with high psychological stress – jobs that offer little opportunity to influence how or when they work.



Although the work environment has been recognized as an important factor for other health and safety outcomes, the impact of working conditions on overweight and obesity has been largely ignored. According to the report, "Obesity/Overweight and the Role of Working Conditions," published by MassCOSH, Boston Workers Alliance, and the Center for the Promotion of Health in the New England Workplace (CPH-NEW), workers in physically demanding jobs are often too fatigued, working in pain or debilitated to enjoy physical activity in their leisure time. Many workers reported breaks that are too short to eat a healthful meal, or (in food service work) being given the cheapest, high-carbohydrate meals.

Many employers' wellness programs target chronic diseases such as high blood pressure but also often neglect how the organization of work can impact individuals' ability to manage their chronic health conditions. A study of Haitian hotel housekeepers with high blood pressure who were not taking their medication regularly, found that many of the housekeepers did not take their medication because they knew it was a diuretic. They reported not having enough time to go down to the basement bathrooms since they were prohibited from using the guest bathrooms in the rooms they were cleaning.

WHAT'S BEING DONE

The Patient Protection and Affordable Care Act of 2010 ("ACA") includes a goal for reducing medical spending by promoting health and wellness and the use of preventative tests and services. Starting in 2014, the ACA allowed employers to offer workers incentives worth up to 30% of their cost of health coverage for participating in a "wellness" program and achieving certain "health" benchmarks. All that is required is that the penalty be "designed to promote good health".

Many unions, trying to protect health insurance benefits during contract negotiations, have been pulled into these wellness programs, often with well-justified suspicion and without being real partners in their design. In negotiating a wellness program, unions should ask for and review the research that is supposed to justify it. Other considerations should include:

Will the program examine and address the ways that job design, work organization and chemical or physical exposures are impacting health? Will workers be offered access and financial help for improving health, such as paying the cost of smoking cessation programs? Will workers be given reasonable timeframes to meet legitimate and valid program goals? Will the program ensure workers' right not to answer any questions or undergo any screenings that they choose not to, including genetic screening? And, that they can do so without being disqualified from any benefits, financial or otherwise, in the employer's wellness program.

A recent report from the Massachusetts Department of Public Health, "Putting Data to Work: 23 health indicators by occupation and industry," shows that work is an important determinant of health and urges worker advocates and policy makers to consider the impact on workers' health in developing comprehensive public health approaches to improving health and reducing health inequities. Massachusetts collects data about occupation and industry in the Behavioral Risk Factor Surveillance System which can be used to target actions for worker health.

"Total Worker Health," a federal program of NIOSH/CDC, has funded CPH-NEW in Massachusetts and Connecticut to develop and evaluate workplace programs that address the combined impact of working conditions and health behaviors. This model has a strong participatory approach, in which workers play a key role in setting program priorities and designing the program (www.uml.edu/Research/Centers/CPH-NEW/Healthy-Work-Participatory-Program).

A recent initiative of the Massachusetts Department of Public Health offers funds to help small and medium-sized workplaces implement wellness programs. Attention to health and safety hazards is also encouraged. The goal is to learn if these programs actually improve conditions at work and make a difference in our health and the quality of our lives.

WHAT NEEDS TO BE DONE: PERSPECTIVES

LAURA PUNNETT
Laura Punnett, UMass Lowell & Center for the Promotion of Health in the New England Workplace (CPH-NEW)

"Job stress is finally being recognized as a take-home hazard that affects the 'health behaviors' that eventually lead to chronic disease, in addition to causing heart disease and other chronic conditions directly."

NANCY LESSIN
Senior Staff, United Steelworkers-Tony Mazzocchi Center

"Healthy workplaces make for healthy workers. Attention needs to be focused on the myriad of ways that work itself is harming workers' physical and mental health, and bringing about the interventions needed to eliminate, reduce and prevent such hazardous work."

ESTHER LOAYZA
MassCOSH Worker Center Leader

"My employer gave me the workload for two people knowing that it should be divided among more workers. Even then, if we did not make the quota for the day, he threatened that we would not be called back to work if we didn't work overtime. I was always exhausted and experienced a lot of stress. If my employer wanted to have healthy workers, he should have considered the heavy workload and respected our family obligations."

JOB DEATHS INVESTIGATED BY OSHA

The following is a summary of workplaces investigated by OSHA following a fatality from January 1 to December 31, 2015. OSHA does not have the authority to investigate the work-related death of self-employed individuals, individuals regulated by another federal agency (such as mine workers), Massachusetts state, municipal and county employees, and family members of farm employers. Note: city and town names indicate where fatality took place.

CASE CLOSED

		PROPOSED	ACTUAL
▶ 01/14/2015 **STEVEN REIS**, 37	MANSOUR CONSTRUCTION, SOUTH BOSTON STRUCK BY	7,000	7,000
▶ 01/23/2015 **JONATHAN PERKINS**, 38	WACHUSETT TREE & LANDSCAPING SERV., INC., BERLIN CAUGHT IN BETWEEN	11,800	7,000
▶ 02/11/2015 **KEVIN ST. PIERRE, JR.**, 22	STURBRIDGE SERVICE CENTER, INC., AUBURN STRUCK BY	2,000	0
▶ 06/10/2015 **RICHARD O'RILEY**, 51	PALMER PAVING, HOLYOKE STRUCK BY	7,000	7,000
▶ 06/11/2015 **RONALD MORSE III**, 40	SHILOH STEEL ERECTORS, SOMERVILLE COLLAPSE	21,000	13,500
▶ 06/30/2015 **SCOTT ROY HOLLIS**, 26	MEZ TREE SERVICE, LITTLETON STRUCK BY OBJECT	22,360	12,000
▶ 07/24/2015 **LAWRENCE O'LEARY**, 54	BLAKESLEE PRESTRESS, INC, EAST BOSTON FALL	$31,500	$31,500
▶ 07/31/2015 **DAVIDE NASCIMENTO**, 28	A. MARTINS & SONS CONSTR., INC., LONGMEADOW FALL	$14,000	$10,000
▶ 08/01/2015 **RONALD MCKEAN**, 49	CROWELL ASSOCIATES, JAMAICA PLAIN FALL	$10,400	$6,200
▶ 08/13/2015 **JOSE LUIS VASQUEZ PEREIRA**, 38	CARUSO CONSTRUCTION & EQUIPMENT CO EXPLOSION	$14,000	$12,000
▶ 08/17/2015 **KEVIN MIRANDA**, 48	SKYLINE CONTRACTING & ROOFING CORP., TAUNTON FALL	$102,900	$102,900
▶ 09/04/2015 **NICHOLAS DUMONT**, 24	MAS BUILDING AND BRIDGE, INC., TAUNTON FALL	$31,570	$31,570

CASE OPEN

01/14/2015	CONSTRUCTION FOR YOU, LLC, WORCESTER	JEFFREY MARHEFKA, 44	FALL
12/10/2015	PHARMASOL CORP., SO. EASTON	ALICDES VEIGA, 43	CAUGHT IN BETWEEN A FORKLIFT
12/02/2015	BRANDON RYAN CONSTRUCTION, BOSTON	JAMES BURGESS – 45	FALL
12/24/2015	INNER-TITE CORPS, HOLDEN	EDGARD NIEVES	CAUGHT BY

OSHA PENALTIES ISSUED FOR EMPLOYERS OF WORKERS WHO DIED ON THE JOB IN MASSACHUSETTS

JANUARY 1ST TO DECEMBER 31ST, 2015

2015	x12	$21,195	$18,513	13%
YEAR	NUMBER OF SETTLED CASES	AVERAGE PROPOSED PENALTY	AVERAGE FINAL PENALTY	PERCENT REDUCTION IN PENALTIES

Note: *The dollar amount in the "average proposed penalty" and the "average final penalty" categories do not include cases that are not yet settled, in which employers are contesting their OSHA citations/fines, or are in the 15 day period during which they must decide whether to pay or contest their OSHA citations/fines.*
Source: *OSHA data from OSHA Region I*

JOB DEATHS INVESTIGATED BY OSHA

EXAMPLES OF EMPLOYERS WHO KNOWINGLY AND/OR REPEATEDLY RISKED WORKERS' LIVES IN MASSACHUSETTS

Each year MassCOSH reports on the number of employers who knowingly and/or repeatedly risk workers lives in Massachusetts. In 2015, employers reported 10,388 incidents involving severe work-related injuries to OSHA. This included 7,636 hospitalizations and 2,644 amputations. These figures represent federal OSHA states only and do not include injuries from states that administer their own safety and health programs. Even so, the numbers amount to 30 work-related severe injuries a day, evidence that, despite decades of progress, many U.S. worksites remain hazardous to workers.

Most of the hazards that led to these severe injuries are easily preventable. We know that, in most cases, employers can stop them in cost-effective ways, such as by providing fall protection equipment, lockout/tagout devices on dangerous machinery, or the appropriate personal protective equipment.

In 2015, OSHA imposed substantial fines on many Massachusetts firms who willfully ignored regulations, putting their workers at serious risk. OSHA has the ability to issue citation including "other than serious", "serious", "willful" and "repeat". A willful violation is considered to be the most serious violations under the laws administered by OSHA. It occurs when an employer knows that a hazardous situation exists and makes no reasonable attempt to eliminate it. The range of fines starts at $7,000 for a "serious" violation and reaches a maximum of up to $70,000 for a "repeat" violation.

OSHA Issues over $538,700 in Fines for Willful and Repeated Violations

- **OSHA fines A.C. Castle Construction Co., Inc. / Daryl J. Provencher $294,500 for willful and repeat violations**

A.C. Castle Construction Co., Inc. /Daryl J. Provencher, based in Danvers, MA was issued citations in the amount of $294,500. The incident took place on October 2, 2014 when roofers employed by Provencher Home Improvement were injured when a ladder-jack scaffold platform broke beneath them causing spinal, eye, facial, chest and rib and bone fractures and a punctured lung.

A.C. Castle Construction Co. Inc. /Daryl J. Provencher already had a history of prior violations. An OSHA inspection in 2005 and again in 2011 resulted in 47 violations and $123,720 in fines for the two entities. Three of the inspections involved scaffold violations, five involved ladder hazards and three involved fall protection violations. The previous inspections took place at worksites in Danvers, Hamilton, Peabody, Revere Beach and Salem.

For the latest workplace incident, three willful, one repeat and five serious violations were issued for defective or damaged scaffold components, and missing or inadequate anchorage. The willful and repeat violations stem from Castle/Provencher's knowledge of the hazards and prior history of OSHA violations.

- **As if one violation wasn't enough - granite countertop manufacturer in Acton, MA continues to expose workers to new and recurring safety hazards, and received OSHA fines totaling $87,200.**

Mass-Granite Inc., located in Acton, MA was cited for repeat violations after OSHA conducted a follow up inspection of the manufacturing company to verify corrected hazards identified during a 2014 inspection. At that time, OSHA cited the company for six violations and levied $8,500 in fines. Since Mass-Granite Inc. did not submit proof that the hazardous conditions had been corrected, a follow-up inspection identified not only the uncorrected hazards (hearing conservation program, chemical hazard communication program and no markings on forklift booms), but found three hazards similar to those cited in 2014 (failure to monitor employees' exposure to high noise levels, hearing conservation program and improper electrical equipment in wet locations).

The follow-up inspections in June 2015 identified new hazards as well. Among them: unsafe storage of large granite pieces, lack PPE, uninspected fire extinguishers, untrained forklift operators; unguarded guarded machinery; electrical hazards; inadequate training and management of hazardous chemicals and a locked exit door.

These conditions, including the new ones, resulted in the company being cited for four failure to abate notices, three repeated violations and 22 serious and other than serious violations'. The total amount of repeated and new violations amounted to $87,200.

OSHA fines Big Lots Stores, Inc. $66,000 for falling boxes not only here in Massachusetts but across the nation for similar hazards

An assistant manager was hospitalized after boxes of patio furniture and other stock, weighing up to 53 pounds each, fell and struck him in the store's rear stockroom.

Big Lots was cited for two repeat violations totaling $66,000 for recurring fines. Other repeat violations occurred in West Babylon, New York and Robins, Georgia back in 2014.

"Every workplace-including a retail store-has potential hazards. Unsafely stacked stock resulted in serious and avoidable injuries for this Big Lots employee. For the safety and well-being of all its employees, Big Lots must promptly and effectively address these hazards at all its locations to prevent future injuries," said Anthony Covello, OSHA's acting area director in Andover.

Force Corp. known for its habitual workplace safety violations was cited by OSHA for one willful and four serious violations in the amount of $91,000

Force Corp., of Woburn, MA faces proposed fines up to $91,000., for willful violations after OSHA inspectors driving by the work site saw three employees on a roof exposed to falls of up to 18 feet without fall protection.

Following the inspection, OSHA cited the Woburn-based roofing contractor for one willful violation for the lack of fall protection and four serious violations for other hazards. The willful citation stems from the company's knowledge of the fall hazard. Since December 2013, OSHA has cited Force Corp. for fall-related hazards at work sites in Bridgeport and Hartford, Connecticut, and in Everett and Needham.

In addition to the fall hazards, OSHA also found employees using ladders that did not extend at least 3 feet above upper landings for required stability; damaged and uninspected safety harnesses; and a safety lanyard that was too long to prevent employees from falling. The workers were also exposed to an electric shock hazard from a power tap not designed for a construction site.

Source: *OSHA Press Releases from OSHA Region I (2015*

OSHA'S WHISTLEBLOWER PROTECTION PROGRAM: HOW WELL ARE WE PROTECTING WORKERS FROM RETALIATION?

OSHA enforces the Whistleblower Provisions of the OSH Act and 21 other statutes to protect workers who experience retaliation for speaking up about health and safety concerns or to report violations. Workers covered under the OSH Act who believe that they have suffered retaliation for engaging in protected conduct for health and safety have only 30 days to report their complaint to OSHA. Timeframes for filing complaints vary for each of the other twenty-one statutes. (http://www.whistleblowers.gov/)

Examples of workers' rights under the OSH Act that may have been violated include: retaliation for filing an OSHA complaint, participating in an inspection or talking to an inspector, seeking access to employer exposure and injury records, or reporting an injury or health and safety complaint. Workers who are denied rewards or receive discipline because they reported a job injury or illness may also be covered under whistleblower protections of the OSH Act.

MASSACHUSETTS COURT ORDERS DENTIST TO PAY $85,000 TO EMPLOYEE FIRED FOR SAFETY COMPLAINT

APRIL 2015

A Beverly, MA dentist, Dr. N. Terry Fayad, D.M.D., P.C. changed his blood-borne pathogens procedure for disposing of contaminated needles, requiring his staff to remove the protected caps before dropping them into the sharps container. He did this to create more space in the containers and save on sharps container disposal costs.

The dental assistant raised concerns about the increased risk of exposure to blood borne pathogens such as hepatitis and HIV, which the dentist dismissed. She then filed a complaint with OSHA and was fired after an OSHA inspector visited the doctor on November 23, 2010. An 11C (Whistleblower) investigation followed and the doctor was sued by the Department of Labor. The U.S. District Court Judge George O'Toole ruled in favor of the department and Dr. Fayad was ordered to pay restitution to the worker of $51,644.80 in back wages and $33,450.26 in compensatory damages.

In addition, Dr. Fayad's dental practice was cited for violations of OSHA's blood borne pathogen and hazard communication standards. The violations were corrected and he paid a fine of $11,000 in 2012.

HOW CAN WE STRENGTHEN SECTION 11(C) OF THE OSH ACT?

The OSHA 11(c) Whistleblower program is over 40 years old and is much weaker than the provisions of the other 21 whistleblower laws that are investigated by OSHA. They are also weaker than the provisions under state law in some State Plan states. Caseloads under 11(C) make up more than half of all OSHA's whistleblower caseload. Although OSHA has made some improvements in recent years to streamline complaint procedures, improve training and investigation procedures, there is much more needed in order to provide the level of protection and resolutions for workers who have been retaliated against.

In testimony before the U.S. Senate Subcommittee on Employment and Workplace Safety Committee on Health, Education, Labor and Pensions, Dr. David Michaels, Assistant Secretary of Labor for OSHA laid out OSHA's recommendations to improve and strengthen the procedural requirements of the 11(c) whistleblower statutes by: "providing OSHA with the authority to order immediate preliminary reinstatement of employees that OSHA finds to have suffered illegal termination; modifying the adjudication process to provide a "kick-out" provision which will enable workers to take their disputes to a Federal District Court if the Department fails to reach a conclusion in a timely manner…..; extending the statute of limitations for filing complaints; and revising the burden of proof under section 11(c) to conform to the standard utilized in more recently enacted statutes."

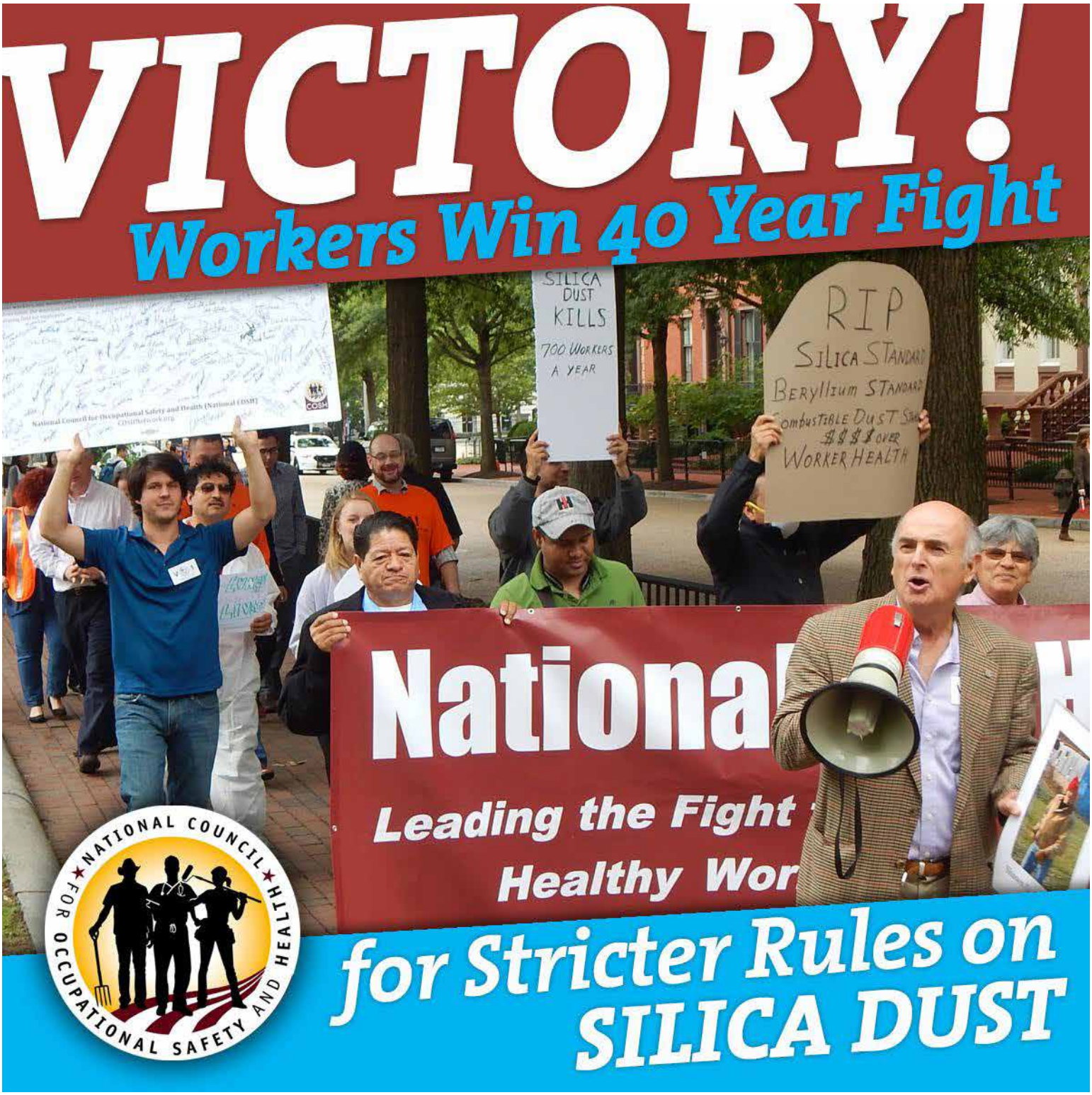
The 11 (c) Workgroup of the Department of Labor's Whistleblower Protection Advisory Committee, proposed additional recommendations, including one that builds on the Fairfax Memo of March 12, 2012 entitled "Employer Safety Incentive and Disincentive Policies and Practices." That recommendation stated, "[W]orkers should not have to wait until they have been retaliated against by such incentive programs before OSHA can act. One possibility would be that such programs, practices and policies violate OSHA's Recordkeeping Rule 29 CFR 1904 and employers could be cited and fined under the rule for having such programs, policies and practices."

MASSCOSH & WESTERN MASSCOSH

MassCOSH and Western MassCOSH (Coalitions for Occupational Safety and Health) bring together workers, unions, community groups, and health, safety and environmental activists to organize and advocate for safe, healthful jobs

MASSACHUSETTS AFL-CIO

The Massachusetts AFl-CIO empowers and supports workers in their effort to promote justice, educate the public about the value of unions, and improve the economic stability and security of working families and communities throughout the Commonwealth.



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