

# PROTECTING WORKERS ON THE JOB

## *Seven Priorities for Federal Action in 2009*

- ▶ Put worker health and safety first by making the ***Protecting Workers on the Job*** agenda a top priority of the President and Congress.
- ▶ Ensure health and safety protection of all workers through tough enforcement of existing regulations, new worker protections, and research.
- ▶ Count all occupational injuries and illnesses and increase funding for Federal and State-based public health tracking programs.
- ▶ Increase worker participation in workplace safety and health programs and protect workers from retaliation.
- ▶ Eliminate disparities in the high rates of deaths, injuries and illnesses among all workers.
- ▶ Reform workers' compensation programs to ensure appropriate and equitable remedies for the costs of occupational injuries and illnesses for all workers.
- ▶ Reduce or eliminate widespread use of toxic chemicals to protect workers on the job and to safeguard the communities in which we all work and live.

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## BACKGROUND

### Each day, over 145 million working Americans face the risk of work-related injuries and illnesses that can cause serious immediate and long-term health problems.

The most visible work-related injuries are often sudden and can result in loss of life and limb, but there are enormous health problems from stress, cancer, lung disease and other illnesses that are caused by the cumulative or long-term effects of work.

Although we have made some progress in decreasing the numbers and rates of work-related injuries and illnesses, we still have a long way to go. The latest U.S. government data from 2007 showed that **fifteen workers each day lose their lives** from work-related injuries, and **four workers each minute** suffer work-related injuries that cause them to miss work, modify their job tasks, or transfer to other jobs. These statistics do not include deaths from occupational illnesses, which annually claim the lives of an estimated 50,000 to 60,000 workers. According to the National Academy of Social Insurance, the direct cost to U.S. employers for workers' compensation alone was \$87.6 billion; the total cost to society for all work-related deaths, injuries and illnesses is two to three times greater. Over the last 8 years, Federal OSHA and MSHA have not done nearly enough to enforce existing worker health and safety standards, and have done almost nothing to pass tougher new standards based on clear scientific evidence of harm to workers. The U.S. government counts work-related injury and illness every year based only on a survey of employer reports. We know these statistics do not tell the whole story about work-related injuries and illnesses, and we don't do enough to target the riskiest industries for enforcement and prevention efforts.

Many vulnerable worker populations, including people of color and immigrant workers, are at especially high risk of work-related deaths, injuries and illnesses, and fear employer retaliation if they report their injuries and unsafe working conditions. The National Institute for Occupational Safety and Health must be strengthened to ensure continued scientific leadership in research, training and prevention in occupational safety and health. We must protect both workers and our communities by reducing and eliminating the use of chemicals that cause cancer, reproductive damage and other serious health problems.

Many responsible employers already put worker safety first. The measures in the **PROTECTING WORKERS ON THE JOB** agenda would help to ensure that all workers in the U.S. go to work every day to a workplace that is safe and healthy. Keeping our workplaces safe and preventing work-related injuries, deaths and illnesses will:

- ▶ **Enable workers to stay on the job, earn a living, and take care of their families**
- ▶ **Boost worker productivity and increase job retention**
- ▶ **Reduce workers' compensation and health care insurance costs**

These measures are an integral part of a broader effort to ensure the health and well being of all working Americans. This broader agenda includes protection and expansion of worker rights to join a union and bargain collectively; paid sick days and family medical leave; a higher minimum wage indexed to inflation; pay equity across gender and race and affordable, high-quality health care.



# The **PROTECTING WORKERS ON THE JOB** Agenda

## 1

### **GOAL 1 – PUT WORKER HEALTH AND SAFETY FIRST.**

The Protecting Workers on the Job agenda items should be a top priority of the President and Congress.

- ▶ The President should state that protecting the health and safety on the job of all working Americans is a top priority of his Administration. Immediate action must be taken to prevent millions of injuries and thousands of work-related deaths each year.
- ▶ The President should nominate appointees for senior positions at MSHA, OSHA and in all federal agencies who are committed to protecting workers' fundamental rights to safe and healthy workplaces, and to implementing the **PROTECTING WORKERS ON THE JOB** agenda.

## 2

### **GOAL 2 – ENSURE HEALTH AND SAFETY PROTECTION OF ALL WORKERS**

through tough enforcement of existing regulations, adoption of new worker protection standards and coverage, and expanded programs of research and public health workforce development.

- ▶ The federal agencies charged with protecting workers' health and safety should be directed to aggressively enforce existing regulations, inspect high-risk industries and occupations and immediately begin rulemaking to set tougher worker protection standards.
- ▶ The President should propose and Congress should appropriate "worker-protection budgets" for OSHA, MSHA, ESA and EPA to increase workplace inspections; investigate fatalities, serious incidents and complaints of hazardous conditions and discrimination; expedite the development and issuance of health and safety standards; and protect young workers.
- ▶ Congress should pass and the President should sign the "Protecting America's Workers Act" (to provide OSHA coverage to public employees and increase OSHA penalties) and a law authorizing the Secretary of Labor to issue health-protective standard(s) to address ergonomic hazards.
- ▶ Congress should commit funds to increase the NIOSH budget by 100% over five years, ensuring it has the necessary resources to conduct intramural and extramural research and to train the next generation of occupational health and safety researchers and health care professionals.
- ▶ The Secretary of Labor should take immediate action to protect workers from well recognized yet inadequately regulated hazards, such as construction-related confined spaces and excessive noise, combustible dust, respirable crystalline silica and aerosol infectious agents, among others; and to require employers to develop written workplace injury and illness prevention programs.
- ▶ The Federal government should take further steps to protect the agricultural workforce. Many agricultural employers are exempt from workplace standards, including workers' compensation and OSHA inspections; other safeguards, like those for pesticide exposure, are dispersed among EPA, OSHA, USDA and state agencies.
- ▶ Congress should pass and the President should sign the "Agricultural Job Opportunities Benefits and Securities Act" to provide fundamental legal and safety protections to agricultural workers.

# 3

## **GOAL 3 – COUNT ALL OCCUPATIONAL INJURIES AND ILLNESSES.**

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. Such data is vital for public health prevention efforts, including targeted enforcement of the riskiest industries and occupations.

- ▶ OSHA and MSHA should 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).
- ▶ The Survey of Occupational Injuries and Illnesses should include all employer groups, including federal, state and local employees and farms with fewer than 11 workers.
- ▶ NIOSH should substantially increase funding for Federal and State-based public health tracking programs for work-related injuries, illnesses and hazards.
- ▶ Congress should direct the CDC to include questions about occupational injuries and illnesses in the National Health Interview Survey.

# 4

## **GOAL 4 – INCREASE WORKER PARTICIPATION.**

A safe workplace must include workers in identifying and correcting hazards. All workers must be protected from harassment, firing and other forms of discrimination if they report an unsafe workplace or file complaints with OSHA or MSHA.

- ▶ Congress should pass and the President should sign the "Private Sector Whistleblower Protection Streamlining Act," to ensure that workers who report violations of federal law, including environmental protection, food and drug safety and consumer safety, are protected from retaliation.
- ▶ Congress should pass and the President should sign the "Employee Free Choice Act," to preserve workers' fundamental right to form a union and bargain collectively, recognizing that democracy, fair wages and benefits, safe conditions and job quality extend to families and communities.
- ▶ OSHA Susan Harwood grants should be used exclusively for 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.
- ▶ OSHA should promulgate standards requiring safety and health committees and annual training in all workplaces, with paid time for worker participation.



# 5

## **GOAL 5 – ELIMINATE DISPARITIES.**

The unacceptably high rates of deaths, injuries and illnesses among vulnerable populations, including African-American, Hispanic and immigrant workers, must be eliminated. All workers—regardless of their ethnicity, race, nationality or the industrial sector in which they work—have the right to the same safe and healthy working conditions.

- ▶ Congress should immediately ratify the U.N. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- ▶ Congress should provide NIOSH with permanent funding for applied research and intervention, education and outreach programs to reduce and/or eliminate disparities in rates of work-related injuries and illnesses.
- ▶ OSHA should initiate a new Special Emphasis Program in industries with high rates of injuries and illnesses among vulnerable workers, and should eliminate barriers that prevent immigrant workers from accessing health and safety protections.

# 6

## **GOAL 6 – REFORM WORKERS' COMPENSATION PROGRAMS.**

Workers who are injured or made ill because of conditions at work face barriers to health care access and receive inadequate benefits under separate state workers' compensation healthcare systems. Prevention and treatment of work-related health conditions should be an integral component of comprehensive healthcare system reform.

- ▶ Congress should convene a national commission to review the adequacy of current programs,

including state and federal workers' compensation systems, to care for and compensate injured and ill workers. A variety of serious problems should be addressed, including:

- ▶ Unequal or absent workers' compensation protections for agricultural workers, domestic workers and day laborers.
- ▶ Unequal wage loss reimbursement where some workers are not eligible for lost wages until they miss more than 6 days of work due to their injuries.
- ▶ Retaliation against workers who report or seek treatment for injuries or illnesses.
- ▶ Inadequate funding for medical treatment and compensation for rescue and recovery workers at the World Trade Center and other disaster scenes.

# 7

## **GOAL 7 – REDUCE OR ELIMINATE WIDESPREAD USE OF TOXIC CHEMICALS.**

More than 100,000 chemical substances are produced worldwide—they are present in most of the products we use daily—yet very few have been tested adequately to identify their potential adverse health effects from production, transport, use and disposal.

- ▶ Congress and the President should advance legislation to establish a comprehensive chemicals policy that is grounded in the fundamental principles of precaution, substituting safer alternatives and right-to-know in order to ensure the health protection of workers, their families and communities and natural ecosystems.

# Organization endorsement of the **PROTECTING WORKERS ON THE JOB** Agenda

**COSH Groups** Arkansas Coalition on Safety and Health  
Central New York Committee on Occupational Safety and Health (*CNYCOSH*)  
Chicago Area Committee on Occupational Safety and Health (*CACOSH*)  
Connecticut Council on Occupational Safety and Health (*ConnectiCOSH*)  
Houston Initiative on Worker Safety  
Maine Labor Group on Health (*MLGH*)  
Massachusetts Coalition for Occupational Safety and Health (*MassCOSH*)  
Mid-State Education and Service Foundation  
New Hampshire Coalition for Occupational Safety and Health (*NHCOSH*)  
New Jersey Work Environment Council (*NJWEC*)  
New York Committee for Occupational Safety and Health (*NYCOSH*)  
North Carolina Occupational Safety and Health Project (*NCOSH*)  
Philadelphia Project on Occupational Safety and Health (*Philaposh*)  
Rhode Island Committee on Occupational Safety and Health (*RICOSH*)  
Southern California COSH (*SOCALCOSH*)  
Southeast Michigan Coalition on Occupational Safety and Health (*SEMCOSH*)  
Western Massachusetts Coalition for Occupational Safety and Health (*WesternMassCOSH*)  
Western New York Council on Occupational Safety and Health (*WNYCOSH*)  
Wisconsin Committee on Occupational Safety and Health (*WISCOSH*)  
WorkSafe (*Bay Area, California*)

AFSCME Council 94  
Alaska Community Action on Toxics  
Asbestos Disease Awareness Organization (*ADAO*)  
Asian American Legal Defense and Education Fund  
Basel Action Network  
Center for Health, Environment and Justice  
Center on Race, Poverty & the Environment  
Citizens' Environmental Coalition  
Connecticut Foundation for Environmentally Safe Schools  
The Ecology Center  
Empire State Consumer Project  
Environmental Health Fund  
Farmworker Justice  
Farm Worker Pesticide Project  
Healthy Schools Network  
International Union of Painter's and Allied Trades, District 11  
Jobs With Justice-Rhode Island  
Labor Occupational Health Program  
Migrant Clinicians Network  
National Employment Law Project  
New York State Public Employees Federation  
OMB Watch  
Restaurant Opportunities Center United  
United Church of Christ  
United Support & Memorial for Workplace Fatalities  
Worked to Death  
YKASEC - Empowering the Korean American Community

