

## **RESOLUTION 6**

# **Safe Jobs for All**

Submitted by the Executive Council  
Referred to the Legislation and Policy Committee

### **PROTECTING THE SAFETY AND HEALTH**

of workers is among the union movement's most important priorities. For more than a century, through organizing, bargaining, strikes, education, political mobilization and state and national legislation and regulations, unions have fought to protect workers from workplace injuries, illnesses and deaths. As a result of our efforts, real progress has been made. But in recent years, neglect by a hostile government and its corporate allies has eroded these protections and put workers in danger. Now, with a new president and a Congress who are on the side of workers, we have the opportunity to change the direction of our country and strengthen job safety protections and workers' rights. Our success in these efforts will depend on our success in building and strengthening the union movement.

### **After Decades of Progress, An Erosion in Safety and Health Protections**

Since 1970, when the Occupational Safety and Health (OSH) Act was passed, we have made progress in reducing the toll of workplace injury, illness and death suffered by workers in this country. Exposures to many workplace hazards—including asbestos, lead and cancer-causing chemicals—also have been significantly reduced.

The union movement can take credit for its role in achieving this progress. Working with our allies, we have won strong protections against major hazards and expanded rights for workers. Through collective bargaining, unions have gained even stronger protections and rights that

have given workers a real voice in safety and health at the workplace.

But, as demonstrated by recent job safety disasters that claimed dozens of lives—such as the Sago Mine explosion, the Imperial Sugar refinery dust explosion and construction crane collapses in New York and Miami—too many workers remain at risk and face death, injury or disease because of their jobs.

In 2007, 5,657 workers were killed on the job, and an estimated 50,000 more lost their lives due to occupational diseases. For 2007, the Bureau of Labor Statistics (BLS) reported more than 4 million job injuries and illnesses, but this figure does not include injuries among public-sector or self-employed workers or injuries that go unreported. Recent estimates put the true toll at 9 million to 12 million injuries and illnesses every year. The cost of these injuries and illnesses is enormous, estimated at between \$163 billion and \$290 billion every year.

For many groups of workers, workplace conditions remain particularly dangerous. Fatalities and injuries among immigrant and Latino workers are much greater than among other groups of workers, due to their concentration in hazardous jobs, their vulnerability because of immigration status and their lack of union representation. Workers in the construction and mining industries continue to be at especially high risk, with fatality rates much higher than those of workers in other industrial sectors.

Eight years of neglect and hostility by the Bush administration have taken a heavy toll on workers and weakened safety and health protections. In 2001, the Bush administration repealed the workplace ergonomics standard, stripping workers of hard-won protections to prevent crippling injuries. Dozens of rules under development by the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA) were blocked and withdrawn. The Bush administration shut down the regulatory process and ignored well-established hazards and serious emerging safety and health threats. It favored voluntary compliance over enforcement, promoting partnerships and alliances with employers while shutting out workers and unions from agency programs and deliberations. The Bush administration made repeated attempts to slash the budgets of safety and health programs, leaving agency resources and capacity diminished and staff demoralized.

With no action or leadership from the government, many employers cut back their own safety and health efforts at the workplace. Instead of addressing and fixing job hazards, more and more employers adopted behavioral safety and injury discipline programs, attempting to shift responsibility for safety and health onto workers.

These years of neglect and inaction have left a huge backlog of safety and health problems and hazards that need to be addressed and much work to be done.

### **An Opportunity for Change, Renewed Progress and Stronger Worker Protections**

With the election of President Barack Obama and a Democratic Congress, for the first time in many years there is an opportunity to strengthen job safety and health protections. The new administration is committed to enhancing opportunities, rights and protections for America's workers. But opposition will be strong. The union movement must seize this moment and organize, mobilize and fight to win needed protections and rights for workers.

After nearly four decades, it is time to update the OSH Act of 1970. The law must be expanded to cover the millions of public-sector workers, flight attendants and other workers who lack OSHA protection. We must improve anti-discrimination and whistle-blower protections so workers can raise safety and health problems without fear of retribution. Employer programs and policies that discourage workers from reporting job injuries must be outlawed. Criminal and civil penalties for employers that violate the law must be strengthened to provide a real deterrent to future violations.

The safety and health agencies—OSHA and MSHA—must get back to their mission of protecting workers. At OSHA, promulgation of standards on silica, cranes and derricks and global harmonization on hazard communication that have been under development for years should be the first order of business. New protections on combustible dust and diacetyl—an artificial flavoring chemical that causes deadly lung disease—should be priorities. A comprehensive rule requiring workplace safety and health programs to identify and fix hazards should be developed, and permissible exposure limits on toxic chemicals should be updated.

Immediate action is needed to protect health care workers and other workers from the threat of the pandemic influenza and exposure to the nH1N1 flu virus that has recently emerged. Since there currently is no standard, OSHA must enforce guidelines requiring appropriate respiratory protection and other control measures for workers who are at high risk of exposure. OSHA should expeditiously issue a standard to protect workers against pandemic influenza and other airborne infectious diseases, as the state of California recently did.

Ergonomic hazards remain the biggest source of serious workplace injury and must be addressed. The administration can start by reinstating the requirement to identify musculoskeletal disorders on the OSHA workplace injury log so the extent of these injuries can be assessed and determined.

The general duty clause of the OSH Act should be used, as it was previously, to require correction of ergonomic hazards that injure workers. And a new regulatory approach to ergonomics must be developed to protect workers before crippling workplace injuries occur. OSHA should develop rules on safe patient handling and requirements for lifting equipment to protect health care workers from injuries, as a number of states have done.

OSHA's enforcement program must be strengthened, with less emphasis placed on voluntary programs. New initiatives are needed to focus on and change corporate- and industry-level practices, not just conditions at individual worksites. The OSHA penalty policy should be changed to fully utilize the current law and to provide increased penalties for serious, repeat and willful violations. Worker and union participation in all aspects of the enforcement process should be encouraged and actively sought.

OSHA's programs in the construction industry need significant attention and improvement. Expanded staffing and expertise in construction is needed at both the national and local offices. A standard that requires a minimum level of training for all construction workers is key to improving construction safety, and it should be developed and issued without delay.

OSHA programs in a number of the states that operate their own OSHA plans are failing to protect workers. In Nevada, a Pulitzer Prize-winning investigation by the Las Vegas Sun documented repeated failures of the state plan to enforce the law in a series of construction deaths on the Las Vegas Strip. Federal OSHA must enhance its oversight of the 26 state OSHA plans to ensure that protection in these states is as effective as under federal OSHA and take action against deficient state plans.

Enhanced efforts are also needed to address the safety and health problems of immigrant and Latino workers. Targeted enforcement,

expanded outreach and training and stepped-up enforcement of anti-retaliation protections can help improve protection for these workers, who face a much greater risk of workplace death and injury.

MSHA must be reinvigorated. The administration's nomination of a strong pro-worker MSHA assistant secretary is a necessary and important first step. MSHA must move to fully implement the 2006 MINER Act to prevent mine catastrophes like the Sago Mine disaster and to protect and rescue workers when emergencies occur. Mine health hazards need much greater attention, particularly given the recent increases in black lung and other lung diseases that have been documented among coal miners. MSHA should move immediately to strengthen standards for exposures to silica and coal dust to prevent another generation of coal miners from developing deadly lung disease.

Turning around the worker protection agencies will require more than leadership and commitment. It will require additional resources and staff. The Obama administration has proposed to increase the budgets of these agencies in FY 2010, which would restore OSHA enforcement staff to its 2001 levels. But these proposed increases would still leave OSHA and the National Institute for Occupational Safety and Health (NIOSH), the job safety research agency, at staffing levels far below those in earlier years, even though the workforce has expanded greatly in recent decades and new hazards have emerged. Continued rebuilding and strengthening of these and other worker protection programs is required.

For transportation workers, safety rules under the jurisdiction of the Department of Transportation and its modal agencies must be vigorously enforced and updated to reflect current challenges. Fatigue is a growing concern for transportation workers as companies and other providers of service are pushing their employees to do more with less. Hours of service rules must be updated for many workers

or established for those who are not currently protected. Safety and security training still does not reach enough workers and in many places programs are not consistently implemented nor sufficiently comprehensive. When companies do violate safety rules, fines and other enforcement activities must be sufficient to genuinely deter bad behavior. The Department of Transportation must also make a significant effort to ensure that transportation companies providing the same service are held to the same safety standards, and that new entrants or fringe operators are not allowed to cut corners on safety. Finally, regulators and Congress must ensure that the drive for globalization is not used as an excuse to jeopardize the safety and security of our domestic transportation system.

We must not forget the brave workers of 9/11 who rushed in after the terrorist attacks to save lives and toiled for months in the recovery and cleanup efforts at the World Trade Center. Thousands of these responders and cleanup workers are now sick, many are disabled and some have died as a result of toxic exposures.

For years, the Bush administration fought efforts to help these workers. At the time of the eighth anniversary of the Sept. 11 attacks, it is high time to pass legislation that would provide these brave workers and community members who are now sick the health care and compensation they need and deserve.

### **Protecting Workers Requires a Strong Union Movement**

Stronger protections and rights for workers can only be achieved if the union movement is strong and vibrant. Our top priority must be enacting the Employee Free Choice Act to give all workers the freedom to form and join unions and have a real voice on the job. We must address the safety and health concerns of unorganized workers by working in coalitions and helping them organize into unions. We must educate union members to tackle job safety problems at the worksite and to mobilize to win stronger protections and rights.

Through our collective efforts, we can build a stronger union movement and achieve the goal of safe jobs for all.