

10

Safe Jobs in a Changing World

Workplaces Are Safer and Healthier

Defending and Strengthening Worker Protections

The Changing World, Workforce and Workplace

Securing Fair Compensation for Injured Workers

Building Strength and Organizing for the Long Term

Protecting the safety and health of workers is among the union movement's most important priorities. Safe jobs are critical to preserving and improving our quality of life. Our goals have been and must continue to be the greatest possible protections for all workers—organized and unorganized, here in the United States and around the globe.

Workplaces Are Safer and Healthier

Over the past three decades, tremendous progress has been made in reducing the toll of workplace injury, illness and death suffered by workers in this country. The reported job fatality rate has been cut by 75 percent and the reported job injury rate by 43 percent. Exposures to many toxic substances, including asbestos, benzene, lead and cotton dust, have been reduced dramatically.

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. Union training and education programs have provided local trade unionists with the knowledge and tools not only to address hazards, but through their safety and health work to help build stronger unions.

But much work remains to be done. Last year 5,915 workers died as a result of workplace injuries and an estimated 50,000 died from occupational diseases. More than 5.7 million workers were injured. These numbers understate the problem because of incomplete and inaccurate reporting by employers and the failure to diagnose occupational diseases accurately. Certain groups of workers, including Hispanic workers and immigrant workers, are at particular risk, with

increasing fatalities and much higher rates of workplace fatalities and injuries than the national averages.

The job of protecting workers' safety and health is becoming more difficult. With the election of President George W. Bush, employers and conservative members of Congress have intensified their already fierce opposition to and attacks on worker safety protections and rights. In its first year in office, the Bush administration has joined with these opponents to seek rollbacks in hard-won protections. Changes in the workforce, the workplace and the economy have put new groups of workers at risk and created new hazards. At the workplace, many employers are moving aggressively to shift responsibility for job injuries to workers, focusing on worker behavior instead of hazardous conditions.

Continued progress in protecting workers' safety and health will be linked directly to our success in rebuilding and strengthening the union movement and increasing the involvement of union members in organizing and political work.

Defending and Strengthening Worker Protections

Since 1995, when the Republicans took control of Congress, employer groups and anti-worker politicians have carried out an unrelenting attack on worker safety and health protections in an attempt to limit the government's regulatory and enforcement role and the rights of workers and unions to have a say in workplace safety matters. These groups have pushed legislation to weaken Occupational Safety and Health Administration (OSHA) enforcement, to cut the budgets of the job safety agencies and to prohibit action on important hazards.

The AFL-CIO and its affiliates, working with our allies, successfully fought off most of these attacks on workplace safety protections. Through hard work and perseverance, we achieved increases in the OSHA, Mine Safety and Health Administration (MSHA) and National Institute for Occupational Safety and Health (NIOSH) budgets and secured an approved state OSHA plan to protect public-sector workers in New Jersey.

In a major victory for health care workers, we won federal legislation mandating a new OSHA standard to protect workers from deadly needlestick injuries that can spread HIV and Hepatitis C. The victory came after years of grassroots efforts by health care unions, which successfully lobbied lawmakers in 15 states to pass safer needle laws, beginning with California in 1998.

In another significant victory, after years of work airline unions won federal whistleblower legislation that prohibits retaliation against workers who bring safety concerns to the government's attention.

At the U.S. Department of Labor, we worked with the Clinton administration to finalize important worker protection rules, including new OSHA rules

on injury and illness record keeping and steel erection and new MSHA rules on hazard communication and diesel particulates.

And in November 2000, after years of struggle, through the concerted efforts of the AFL-CIO, unions, safety and health activists and allies, workers won a major victory when OSHA issued a final ergonomics standard to prevent repetitive strain injuries, the nation's biggest job safety problem, affecting more than 1.8 million workers each year. The federal OSHA standard followed the promulgation of state ergonomics standards in California in 1997 and Washington State in 2000. The federal rule required employers to implement ergonomics programs and fix jobs where musculoskeletal disorders (MSDs) occurred.

But this victory was short-lived. With President Bush in office and Republicans in control of the House and Senate, business groups led by the Chamber of Commerce and the National Association of Manufacturers moved quickly in the 107th Congress to overturn the OSHA ergonomics standard. Using the Congressional Review Act for the first time in history, with no hearings, little debate and the full support of the Bush administration, Congress voted to repeal the standard. On March 21, 2001, President Bush—in his first major legislative action—signed the bill killing the ergonomics standard, leaving workers with no protection.

When the ergonomics standard was overturned, the Bush administration promised to take a comprehensive approach to address ergonomic hazards. But since that time, the administration has failed to take any action to protect workers from injury. Instead, it has held a series of one-sided forums, dominated by industry witnesses, addressing only issues raised by opponents of an ergonomics rule. The administration has blocked provisions of the new record-keeping rule that would have required employers to identify musculoskeletal disorders on their job injury logs. For solicitor, the Department of Labor's chief lawyer, the administration nominated Eugene Scalia, one of the architects and leaders of industry's campaign to stop any ergonomics standard. Meanwhile, more than 1 million workers have suffered unnecessary injuries since the ergonomics standard was repealed.

The Bush administration's rollbacks in worker protections have not been limited to ergonomics. OSHA regulations to tighten record keeping for hearing loss also have been blocked, and grants to establish worker safety training programs have been rescinded and cut. Important standards in the pipeline, including those covering tuberculosis, employer payment for personal protective equipment and safety and health programs, have been pushed aside. At MSHA, the implementation of the long-overdue hazard communication standard to

provide miners the right to know about toxic chemicals has been blocked in response to opposition from mine industry interests.

Despite these setbacks and challenges, our fight to protect workers must continue. Ergonomic hazards remain the biggest job safety problem and must be addressed. We have petitioned the Bush administration for a new standard and will seek legislation to force it to act. While we push for a new federal rule, we will seek enforcement against ergonomic hazards under OSHA's general duty clause, bargain for enhanced protections, educate workers about ergonomic hazards and push for protections at the state and local levels.

OSHA's standards on safety and health programs, tuberculosis, employer payment for personal protective equipment, indoor air quality and exposure limits for toxic substances have been under development for years and need to move to completion. Action also is needed on standards covering silica, metal-working fluids, reactive chemicals and construction standards on hearing conservation, lock-out/tag-out and confined space entry.

OSHA and other regulatory agencies must require diligence on the part of all employers and require adequate record keeping. All sectors and employers should be required to keep records of workplace injuries and illnesses. This documentation is essential to the protection of workers and development of good policy.

Enforcement of the law is key to safe jobs, but through its statements and proposed cuts in enforcement staff, the Bush administration has signaled it favors a voluntary approach. We will continue to push for strong enforcement of the law and oppose any efforts to cut back or weaken OSHA and MSHA enforcement programs.

Programs to train and educate workers about safety and health hazards and rights under the law are also critical. However, at the same time the administration has proclaimed support for outreach and compliance assistance, it has proposed to cut training and education programs for workers. There is already a gross imbalance between outreach programs for employers and those for workers. Government-funded compliance assistance programs for employers have more than doubled to \$48 million, with only \$11 million tagged for funding for worker safety training programs. The AFL-CIO will continue to push for increases in worker safety and health training programs so workers can play an effective role in workplace safety and health activities.

Thirty years after the passage of the Occupational Safety and Health Act, millions of workers still lack full rights and protections. More than 7 million state and local public employees are excluded from OSHA coverage, and in the federal sector OSHA cannot enforce or penalize employers for violations.

Transportation workers, energy workers and farm workers are covered under other laws that fail to provide them with adequate protection or comprehensive rights.

Some modest progress has been made in extending protections. We succeeded in establishing an approved state OSHA plan in New Jersey to provide public-sector workers full OSHA protections. In the aviation industry, the Flight Attendants achieved a memorandum of understanding between OSHA and the Federal Aviation Administration to determine which OSHA protections should apply to cabin crews. We must and will continue our efforts to extend legal coverage through federal and state legislation and interagency agreements so all workers have basic rights and protections guaranteed by law.

One of the biggest deficiencies in the current OSHA law is its weak whistleblower protections, which provide no effective deterrent to employers. Each year, thousands of workers are fired or face other employer retaliation for raising job safety concerns. Only in a small number of cases does the government take action. The AFL-CIO will work for the passage of legislation that strengthens protections by establishing an administrative system for reviewing cases in which workers have a private right of action and employers can be penalized for discriminatory actions. In the interim, we will push for more aggressive enforcement of existing whistleblower protections.

Expanded government research efforts on job safety and health also are needed. We have made some modest gains in funding for NIOSH. But government resources directed to research on occupational safety and health are far less than for other health concerns, even though the extent and cost of occupational disease and injury are equivalent to those of cancer and heart disease. As the primary source of publicly funded job safety and health research, it is vital that NIOSH's mission of providing unbiased independent scientific research be continued and strengthened.

The Changing World, Workforce and Workplace

The Sept. 11 attacks on the World Trade Center and Pentagon not only were a national tragedy; they were a workplace tragedy, claiming more workers' lives than any event in history. The tragedy has brought front and center major workplace safety, health and security concerns. Immediate attention has focused on enhancing security in the aviation industry and at federal facilities, and we must ensure these measures are sufficient. At workplaces throughout the country—including office buildings, chemical plants and trucking and rail operations—there is heightened concern about possible terrorist threats and workers' security and safety. The dangers were brought home dramatically by

the incidents of on-the-job anthrax exposure and illness, including the heart-breaking deaths of postal workers who contracted inhalation anthrax. We must work with local unions, employers and government agencies to identify all of these terrorism-related risks, guard against danger and establish appropriate evacuation and response plans.

Rescue and recovery workers in New York and Virginia faced significant hazards responding to these emergencies, and the massive demolition jobs pose continuing dangers. The AFL-CIO and unions have worked closely with government authorities to monitor and address safety and health hazards at these sites and will work to see that ongoing safety and health procedures and plans provide adequate protection. We also will seek to establish ongoing medical surveillance programs for emergency responders and workers in the hot zone and its perimeter exposed to high levels of dust, smoke and other hazards in the wake of these disasters to determine whether any adverse health effects have occurred.

Changes in the workforce, workplace and economy also are having major effects on job safety.

While the overall rate and number of workplace fatalities have declined, the most recent Bureau of Labor Statistics reports show sharp increases in job fatalities among Hispanic and immigrant workers. These increases, which are most severe in the construction and service sectors, far outpace the increases in employment for these workers. The AFL-CIO is working with affiliates to enhance union training and education programs for these high-risk workers and is pushing for expanded government oversight, outreach and enforcement targeted to them.

As employment has shifted to the service sector, so has the workplace injury and disease burden. Service-sector workers now experience the greatest number of workplace injuries, with certain industries, such as health care, experiencing increased rates of injuries while overall rates have been falling. Workplace violence, poor indoor air quality, infectious diseases and needle injuries put millions of workers at risk. The AFL-CIO worked with affiliates to win passage of federal legislation and an OSHA standard to protect workers from needlestick injuries. We will continue to push for expanded safety and health protections to address other problems in the service sector, while ensuring that hazards in such high-risk industries as construction, manufacturing, food processing and mining receive necessary attention.

Competitive pressures, downsizing and restructuring are raising additional safety and health concerns. Workers are forced to work longer hours. Staffing levels are being cut. New workers are not provided adequate training. And employers' safety and health capacity is being reduced.

Mandatory overtime has become a major concern for many workers in health care, telecommunications and other industries. Extended work hours and lack of control over schedules and jobs not only cause havoc in workers' personal lives, but have been linked to increased stress and high blood pressure. There also is growing concern about increased injuries and fatalities resulting from long work hours and fatigue. The AFL-CIO is working with affiliates to collect and disseminate contract language on hours of work and is collaborating with NIOSH on new research and surveillance initiatives on the safety and health impacts of extended work hours.

In the push to cut costs, more work is being contracted out, increasing safety and health risks as work arrangements become more complex and employers try to reduce their responsibility for worker safety. Lax contracting and oversight practices have resulted in numerous catastrophes, particularly in the chemical industry, putting not only workers but also the public at great risk. The growth of contingent work is creating further problems, particularly because self-employed workers are not covered by the Occupational Safety and Health Act and temporary workers often are not provided required training or protections.

We must do more to determine the impact of downsizing and restructuring on injuries and illnesses and demand adequate staff levels and training so jobs can be performed safely. The AFL-CIO will work with government agencies to see that existing laws are enforced to the fullest extent possible to address safety and health problems for contract, temporary and contingent workers and, where needed, to seek improvements in the law to ensure these workers are protected.

At the same time work restructuring and changes in employment are raising serious safety and health concerns, many employers are moving to shift responsibility for job injuries to workers by focusing on worker behavior instead of hazardous conditions. Across industries, a variety of programs are being implemented that provide incentives and awards to workers who do not report injuries. Some establish elaborate procedures for observing and documenting workers' behavior and "unsafe acts" while ignoring employer mismanagement and the root causes of injuries. Others institute policies to discipline and fire workers who are injured or impose drug testing for every worker who reports a job injury regardless of the cause.

These programs and policies have a chilling effect on workers' reporting of symptoms, injuries and illnesses, which can leave workers' health and safety problems untreated and underlying hazards uncorrected. Frequently they are implemented unilaterally by employers, pitting worker against worker and undermining union efforts to address hazardous workplace conditions through concerted action.

The AFL-CIO opposes employer programs and policies that shift responsibility for worker safety by focusing on worker behavior instead of workplace hazards and employer mismanagement and that create disincentives to reporting injuries or hazards. We believe such practices undermine worker protection and are illegal and discriminatory under the OSHA Act. We will seek explicit regulations and enforcement policies that prohibit such practices.

The globalization of the economy is another force that is creating great pressures on safety and health protections here in the United States and in other countries. At the workplace, many employers respond to workers' demands for job safety improvements with threats of closing plants and moving production to other countries where safety laws are lax, workplace conditions deplorable and wages low. Around the world, such conditions put workers' lives in danger and undermine efforts to protect workers in this country. With the international labor movement, we will press to strengthen safety and health protections for all workers. We will seek the inclusion of workers' rights standards, including rules to guarantee safe workplaces, in all trade agreements and will work to include enforcement against workers' rights violations under existing and future trade laws.

Securing Fair Compensation for Injured Workers

Complementing our work to ensure safe and healthy workplaces, we also will work to guarantee an adequate safety net of workers' compensation insurance benefits for injured workers. Events around the nation as well as in our own communities and workplaces continually remind us of the value of and need for a well-functioning workers' compensation system that provides meaningful compensation for the devastation that can be caused when a family loses a breadwinner's salary. Unfortunately, we have seen the continuing erosion of the workers' compensation system and its capacity to deliver economic security to working families in the event of disabling injuries or death in the workplace.

In theory, workers' compensation represents a trade-off: Workers relinquish their rights to sue employers for job injuries in return for a no-fault compensation system that guarantees medical treatment and wage replacement. In practice, however, workers have come up short, while employers and insurers enjoy rich rewards from the system. Recent reforms have worsened this trade-off: Worker benefits have fallen 38 percent since 1992, while employer costs declined by 41 percent over the same period. And there are strong indications in the insurance market that we can expect a new push to reduce benefits and tighten eligibility.

A further indication that workers' compensation programs around the nation are failing to fulfill their promise is that to this day, no state system

satisfies the minimum standards deemed essential to the survival of the workers' compensation system. Those standards, which were established by the National Commission on State Workmen's Compensation Laws nearly 30 years ago, lay out 19 crucial system objectives calling for full mandatory coverage for all work-related injuries and illnesses, adequate levels of benefit compensation and full medical care and rehabilitation.

States must act to reverse the weakening of the workers' compensation system and deliver on the promise embodied in the workers' compensation trade-off. To this end, the AFL-CIO calls on states to provide adequate protections against interruption of income, without any artificial or unrealistic caps; guarantee that workers have access to and treatment by impartial doctors and nurses; ensure appropriate safeguards to protect the privacy of workers' medical records, including protection against genetic screening; stop the practice of retaliation and discrimination against workers who are injured on the job and who file claims; and promote rehabilitation and appropriate return to work. As the 30th anniversary of the commission's report approaches, the AFL-CIO calls on all states to meet all 19 of its essential recommendations.

A positive development for workers was enactment of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000. Passed with the inspiration and active encouragement of the 15 AFL-CIO unions that represent workers in the nuclear weapons production industry, the program was created to provide compensation to employees of the Department of Energy, its contractors and subcontractors, companies that provided beryllium to the department and atomic weapons employees. The program applies to workers with radiation-related cancers, silicosis and chronic beryllium disease and instructs the department to assist nuclear industry employees with other work-related diseases to obtain compensation from their state workers' compensation systems. The EEOICPA arose in response to the federal government's admission that it had failed for decades to protect its nuclear weapons workers; that this failure had resulted in a clear pattern of occupational disease and death among such workers; and that these workers deserved to be compensated for work-related harm and for the federal government's failures to prevent it.

The AFL-CIO also calls on the federal government to implement EEOICPA in a manner consistent with Congress's intent to compensate covered workers who were harmed working in the nation's nuclear weapons complex during the Cold War. Special emphasis needs to be given to ensuring that all survivors receive compensation. The Energy Department must also establish a uniform system to determine whether illnesses other than the radiation-related cancers, silicosis and chronic beryllium disease specifically addressed in the law are

related to work in nuclear weapons facilities and, if so, that workers receive just compensation as intended by Congress.

Building Strength and Organizing for the Long Term

The goal of safe jobs and safe workplaces can be achieved only if the union movement is vibrant, strong and strategic, because only the collective efforts of workers can counter corporations' inclination to maximize their bottom lines by cutting corners on safety.

By improving workplace conditions, unions have made a significant difference in workers' lives. At the same time, through local union safety and health committees and worker training and education, newly energized union activists have been enlisted. They bring vitality and help build stronger unions.

By addressing workplace safety and health concerns in organizing campaigns, we have had success in many recognition and first contract campaigns, improving workplace conditions and helping to build the foundations of the unions involved. Similar efforts that also address environmental concerns have built community and public support and enlisted allies from the environmental, public health and public interest communities in our organizing drives. Safety and health issues also have been important in internal organizing campaigns that increase membership, prepare for bargaining and increase participation in the local union.

The AFL-CIO will work with its affiliates to address the safety and health concerns of unorganized workers. Through this work, we will identify concrete ways that safety and health initiatives can assist with efforts to help new members organize, build stronger unions and form lasting political alliances.

Our unions and our movement will be strong only if our members are informed and involved. With the George Meany Center/National Labor College, the AFL-CIO is developing a comprehensive curriculum to train and educate local union safety and health representatives to identify hazards and develop strategies to address them. We will work with unions, constituency groups and state federations to provide this training to union representatives and workers across the country, focusing on underserved, minority and high-risk workers. The AFL-CIO also will continue the April 28 Workers Memorial Day observance to educate workers and the public about job hazards and to build support for improvements in safety and health.

We also must strengthen the voice of workers in the political process. It is clear that our success in achieving improved safety and health protections is linked directly to our strength and involvement in politics and legislation—and greatly affected by election outcomes. Working with unions, state federations,

local safety and health groups and other community allies, we have countered most legislative attacks on worker safety by educating union members and involving them in these fights. The current political climate and the Bush administration's support of corporate special interests will make our work more difficult. We must step up our political education efforts to inform union members about key issues and the positions of elected officials. We must expand the network of local safety and health activists and provide them information and tools to reach out, educate and involve other workers so a strong union voice is heard.