

HAZARDS

Communication

THE WESTERN NEW YORK COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH NEWSLETTER



ON WORKERS' MEMORIAL DAY WE STAND WITH WENDT WORKERS!

Every Workers' Memorial Day, WNYCOSH and our allies stand with workers to remember those we've lost, while fighting for protections for those currently in the workforce. This year while we remember the 100 workers who die EACH WEEK (nearly 5,200/year), we stand with the Wendt workers of Ironworkers Local 576 who have been fighting for a contract for more than 8 months. In addition to fighting for their first contract, improved pay and increased job security, the

workers are fighting for better working conditions as well. Wendt management has routinely assigns dangerous jobs to inadequately trained workers, among many other serious workplace safety and health issues. [Join us on Weds. April 25 at 11:30 AM - 12:30 PM at the Wendt Corporations headquarters \(2555 Walden Avenue Buffalo, NY 14225-4737\)](#) to demand that Tom Wendt Jr. treat the workers fairly on the shop floor and at the bargaining table! ■

Fighting to Preserve the NYS Scaffold Law

Falls continue to be the top cause of death for construction workers in New York State accounting for 26% of all worker deaths. In fact 71 construction workers were killed on the job in NYS in 2016 according to the report [**Deadly Skyline: An Annual Report on Construction Fatalities in New York State**](#) issued by the New York Committee for Occupational Safety and Health (NYCOSH).

Year after year the owners of construction projects and business representatives fight to eliminate the Scaffold Law. This law protects construction workers by holding general contractors and site owners fully liable for worker deaths and injuries caused by falls from elevated heights. Under this law it is the responsibility of the employer to provide a safe worksite for construction workers—a right workers are entitled to. When owners and general contractors advocate for weakening the Scaffold Law, this only shifts the responsibility of safety on to the worker who has no control over their worksite.

Nearly half of worker fatalities in construction are due to falls, and in NYCOSH's report data consistently found that when a worker was killed on the job from a fall, in 90% of those cases there were coinciding OSHA violations—in many cases serious violations of the OSHA federal fall

protection standard. This could mean that many of these deaths were preventable and occurred on the count of employer negligence. American workers depend on OSHA to ensure that their workplaces are safe, and OSHA's worker safety protection role is especially critical in the construction sector. With many federal oversight agencies—including OSHA—being underfunded for years, this results in a critical lack of enforcement and workers having fewer and fewer resources to protect them in the workplace or on the job site. When you cut the budget of OSHA and decrease inspections, the consequences are real for workers and do not allow for the protections they are entitled to. Relying on OSHA to monitor dangerous worksites is not enough.

With the understanding that most contractors try to do the right thing, there are still a small number of unscrupulous contractors who cut corners resulting in serious injuries or death from falls on construction sites. The Scaffold Law is an effective deterrent to a workers' safety—especially with contractors who are not abiding by the law and continue to expose workers to dangerous job sites by not providing the legally mandated safety equipment to do their job safely. Until employers decide to prioritize worker safety, injuries and deaths will continue while WNYCOSH continues the fight to maintain the New York State Scaffold Law. ■

OSHA BLOTTER & NEWS

Still No Head of OSHA. Scott Mugno's nomination for head of OSHA is continuing to languish without a hearing date in the Senate. Mugno served as OSHA subcommittee chairman for the U.S. Chamber of Commerce, a noted regulatory opponent.

Employers Fail to Report Injuries and Illness to New Database. A new electronic record keeping rule, which was modified to omit some employers, went into effect January 1st, 2017. The rule requires employers to submit injury and illness data recorded onsite to an online OSHA database. However, around 150,000 employers failed to comply with the rule. It is unclear what OSHA will do to those who fail to comply.

More Inspectors on the Way. OSHA has lost 40 inspectors through attrition since January 2017. Labor Secretary Acosta was asked about the employment of more inspectors by OSHA, and said that the agency was in the process of hiring them, though many positions still remain open. Acosta did not address the other OSHA positions that are currently under a hiring freeze.

Beryllium Standard Delayed. OSHA has announced that it will delay enforcement of the new beryllium statement for all workers by two months. The agency has also weakened protections for construction and maritime workers under the standard

Buffalo Police Officer Dies During Training Accident. Craig Lehner drowned in the Niagara River during a training exercise in October. In January, Lehner's sister filed a lawsuit against the city of Buffalo and the Buffalo Police Department claiming that Lehner died as a result of supervisor (con't P.5)

HOME CARE WORKERS FIGHT FOR THEIR RIGHTS

For years, some home care agencies have pushed the limits of exploitation by paying home care workers 13 hours of pay for 24-hour shifts. This widespread industry practice contributes to the injuries, overworking, and underpaying of one of this country's most important groups of workers: those that care for persons with disabilities and the elderly in the comfort of their homes.

Last summer, home care workers decided to fight back. In three separate class action lawsuits coordinated by the Ain't I a Woman?! Campaign, home care workers won the right to be paid for every hour of work. However, the Department of Labor quickly reversed these decisions. The DOL claimed that paying workers fairly means clients would have to receive fewer hours of care. The normalization of wage theft for this group of mainly women workers, about half of whom are people of color, is an extremely concerning development for an already hazardous industry.

The WNYCOSH Worker Center has been working hard to better understand the needs of home care workers and to support local home care workers in attempts to gain progress. Since January, we have interviewed dozens of home care workers regarding their working conditions.

The interviews have made it clear that home care in WNY is as hazardous and under appreciated as it is elsewhere. Over 20% of interviewees reported working in homes full of smoke, and over 20% work in homes with rodents or insects such as bed bugs and cockroaches. One in 4 work without proper lighting of their work areas, and 30% of interview participants work in homes with clutter.

In addition to navigating these hazardous homes, home care workers must perform tasks that would otherwise be regulated. For example, most said that they cook for their clients, but home care workers are not generally

provided with fire extinguishers as they would be in a restaurant setting. Similarly, nearly all interviewees assist with household tasks that involve chemicals—such as laundry, cleaning the bathroom, and dishes—but home care workers do not receive information on these chemicals, as they might if they were professional cleaners.

“Home care workers take pride in providing assistance, companionship, and dignified care”

When asked what they wished was different about their jobs, many interviewees said they would like better pay. This is not surprising, seeing as 24% of home care workers nationwide live in homes under the poverty level. Many also want better scheduling, improved communication with the agency, and more dignity. As outreach to home care workers continues, it is clear that home care workers are poised to be on the front lines fighting for fair working conditions. In spite of tough working conditions, most home care workers take pride in

providing assistance, companionship, and dignified care to people who are elderly and/or living with a disability. Home care workers know what help people need and when they are not getting it. They know those of greater ability or means need to assist others. In this way, they are likely to continue fighting for more just conditions in the workplace and beyond. ■

WNYCOSH STAFF 2018



Left to Right: Mary Lister, Hein Saw, Dawn Hanavan, Joe Hall, Germain Harnden, Susanne Donovan, Brian Brown-Cashdollar, Rachel Terhart

FRANK DOLCE ACTIVIST FELLOW



This summer WNYCOSH is proud to welcome our 2018 Frank Dolce Activist Fellow: second year law student **Genevieve Rados**. Prior to law school, Ms. Rados worked as an educator.

Ms. Rados will be looking at the impact of the sub-minimum wage for tipped workers and will take the lead in developing an introductory Workers' Compensation presentation. Ms. Rados will also work with the UB Law Schools Community Justice Clinic on labor related cases. The Frank Dolce Activist Fellow is funded by donors committed to Frank Dolce's vision of worker justice. ■

BECOME A MEMBER OF WNYCOSH

WNYCOSH is an activist membership organization. We've relied on our membership since 1979 to help fight for safer workplaces. April is our membership month and we're asking for you to renew your membership or become a member for the first time. Membership benefits include being able to select board members (union, individual members) and access to our member training sessions. For more information please visit our website at wnycosh.org/about-us/membership. ■

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LEADERSHIP TRAINING

On January 20th and 27th we held our second Leadership Training. Participants came with different issues they are working on in their communities, ranging from education access to living wage campaigns. The training was held over two Saturdays, and covered strategy, media tactics, community outreach and other skills. The trainings are designed to give participants concrete products and skills to take with them into their communities as they continue their work. ■

OSHA BLOTTER (con't)

(con't from page 2) negligence, insufficient training, and inadequate equipment. A state Labor Department investigation into the death is ongoing.

Paperboard Company Fined \$175,000. In early February OSHA and Carthage Specialty Paperboard reached an agreement in which the paper milling company would pay \$175,000 for over 60 safety and health violations in June 2017.

Watertown Worker Killed at Waste Treatment Plant. Gregory Eliopoulos, a Watertown city employee and process worker, was killed in a workplace accident during his evening shift in November. Eliopoulos was a member of CSEA. The investigation is ongoing.

Lewis County Farmworker Dies on the Job. In late November Ryan C. Oullette died after his head became trapped in a manure separator machine. Oullette's employer, Marks Farm, has a long history of OSHA violations.

New York City Cab Driver Commits Suicide. On February 5th, Doug Schifter, a veteran taxicab driver killed himself outside of city hall in Manhattan. In a note, Schifter wrote, "I will not be a slave working for chump change. I would rather be dead." A recent MIT study reported that Uber and Lyft drivers make an average of \$3.37 per hour.

Steep Rise in NYS Construction Worker Deaths. According to a recent report by NYCOSH, construction worker deaths rose from 55 in 2015 to 71 in 2016. This represents the most deaths since 2002. Deaths in New York City were actually down from 2015 to 2016, meaning that an increasing percentage of these deaths are occurring upstate. For the full report, visit NYCOSH.org. ■



KAREN NI TRAINING

On February 25th, the WNYCOSH Worker Center and Our Lady of Hope hosted a workers rights seminar for 30 members of the Karen (a group of ethnic minorities from the Kayah State in Myanmar). Topics covered were the minimum wage, overtime, wage theft, discrimination, and the recently implemented NYS Paid Family Leave law. There were many questions about wage theft, workplace safety and health, and the details of the new paid family leave law. We look forward to working the community more in the future. ■

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SPRING 2018 | NO. 2

HEALTH & SAFETY COMMITTEE MEETINGS

May 8 | Review Health and Safety conditions at Wendt and the differences in injury rates between union and non-union workplaces
June 12 | Questions and Answers about NYS Paid Family Leave Law
All meetings 5 - 6:30 PM, IBT Local 264
35 Tyrol Drive, Cheektowaga, NY 14227

WNYCOSH/PUSH FREE LEGAL CLINIC

April 19, May 17 & June 17
4:30 - 6:30 PM, Our Lady of Hope
Corner of Lafayette and Grant, Buffalo

SMALL CLAIMS CLINIC/SECURITY DEPOSITS

Sponsored by WNY Law Center, WNYCOSH, Our Lady of Hope
April 26
4:00 - 7:30 PM, Our Lady of Hope
Corner of Lafayette and Grant, Buffalo

NYS SAFE PATIENT HANDLING CONFERENCE

October 30 & 31, 2018
Syracuse, NY. (Co-sponsored by WNYCOSH, NYS Zero Lift Taskforce, NYS DOL)



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