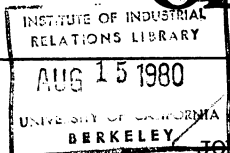




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JOB SAFETY UNDER ATTACK

The worker's right to a safe workplace is threatened by a bill in the U.S. Senate that would prohibit federal and state inspectors from entering 90% of the nation's firms to enforce safety laws. The AFL-CIO and the California Federation of Labor have pledged their efforts to oppose the bill, sponsored by Senator Schweiker, but expect a difficult campaign.

It has been conservatively estimated that job-related diseases cause more than 100,000 deaths and that job injuries cause more than 14,000 deaths each year. The loss of workdays due to accidents alone, not counting diseases, is ten times greater than that due to strikes.

Under the Schweiker bill, 70% of the workers now under the jurisdiction of the Occupational Safety and Health Administration (OSHA) would lose that protection. The bill drastically limits OSHA's ability to respond to safety complaints by workers, and lets employers know in advance when OSHA does come. Ironically named the "OSHA Improvement Act," S.2153 actually undermines the intent of the original OSHA law.

The Schweiker bill has received support from a number of usually pro-labor Senators who are facing difficult re-election battles. Senator Alan Cranston of California is currently a sponsor, but has indicated a possible willingness to change his vote in response to sufficient opposition to the bill.

The AFL-CIO is now pushing for hearings on the Schweiker bill in the home districts of the sponsoring Senators, so that individual workers and local unions will be able to state their views. It is especially intent on having hearings in California, and is beginning a letter-writing campaign to that effect, focused on Cranston.

What S.2153 Means for Workers

The stated intent of the Schweiker bill is to focus OSHA inspections on the most hazardous industries. Rather than allow OSHA safety experts to identify those hazardous workplaces, however, the bill prohibits OSHA from making any inspections except where workers have been recently killed or hospitalized.

Employers would be exempt from OSHA inspections if they report no lost work-day injuries to the state worker's compensation system or file an affidavit with OSHA claiming no fatalities and a low lost-time injury rate. It would thus not only bring into OSHA all the underreporting problems that plague the worker's compensation system, but would also give additional incentives for employers to fight worker's compensation reports, claims and settlements.

Although the Schweiker bill does not specifically outlaw inspections for health as opposed to safety hazards, it would cripple OSHA's efforts in this area as well. Over 65% of OSHA health inspections in California are triggered by hazards noticed during the type of safety inspections the bill would prevent.

For example, an OSHA safety engineer called in by workers to examine an unprotected cutting blade might notice chemical fumes that are known to cause cancer. The safety engineer would then notify one of OSHA's industrial hygienists, who would otherwise have no way of knowing the fumes existed.

S. 2153 specifically prohibits OSHA from inspecting any areas in the firm not listed in the original complaint or inspection plan. A worker could not lead an inspector around the plant pointing out hazards.

Workers' Rights

One of the strongest features of the original OSHA law required the government to inspect any workplace upon receipt of a worker's complaint, without first informing the employer. The Schweiker bill would gut this clause.

Under the bill, OSHA must turn all routine worker safety complaints over to the employer, except where there has recently been a death or serious accident. Then, if the employer gives OSHA "satisfactory assurances that appropriate action has been taken to correct the violation," the government is prohibited from acting further. If OSHA considers the response unsatisfactory, it may inspect, but will have already given the employer advance notice.

Union safety committees have been able to use the threat of OSHA fines to force better compliance by employers. The Schweiker bill automatically eliminates all fines for even serious violations for employers who have labor-management safety committees and have successful worker's compensation records. The committees mentioned in the bill are to be advisory only, however, and have no enforcement powers. Further, there are no standards in the bill to determine the effectiveness of such committees.

- Jamie Robinson

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