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INJURED WORKERS UNITED--PART II

by Pamela Telles

LCR recently interviewed Shirley Conrad of the San Jose based group, Injured Workers United (IWU). This interview is in two parts. This is part two.

LCR: You've had a great deal of experience helping people with Workers' Compensation. What do you think of our present Workers' Compensation system?

SC: The Workers' Compensation system needs to be completely overhauled. If injured workers don't specify their own doctor prior to their injury, they're forced to go to the company's doctor for the first thirty days. By the end of thirty days, acute symptoms have declined. If the problem was initially diagnosed incorrectly or the treatment was improper, cases are harder to prove and recovery time is longer.

We've also found that employers just automatically deny Workers' Compensation claims. That stops all payment to the worker and the physician and puts the worker in a squeeze out situation.

The worker must either starve or settle the claim. The employers have the money to pay attorneys and tie up the cases. The people have to make a clear distinction between applicants' attorneys and employer attorneys. Applicants' attorneys make 8 to 12 percent of comp benefits. They're not getting rich, folks! The applicant's attorneys have to carry about 200 cases. They have no money for investigation. That's one of the problems inherent in the system.

Couple that with an archaic Workers' Compensation system that does not penalize employers for delays, does not give an adequate reimbursement, and forces people into poverty. And workers don't have the right to sue their employers.

We'd like to see an increase in penalties on delays. We'd like to see workers have the right to sue their employers just like any other citizen does. And we'd really like to look at a no fault comp insurance system. If we don't, the situation will only get worse. The incidence of workplace injuries has gone up tremendously under Reagan and Deukmejian. In the last year in California, the death and permanent injury rate on workplace injuries is up 21 percent.

LCR: What about Proposition 51?

SC: I think it's a devastating proposition. It's another blatant case of the insurance companies wanting to keep their profit margins up at the expense of workers and victims. It splits up the responsibility for damages. Currently, if a worker suffers chemical injuries, s/he can sue all of the companies responsible and each would have to pay the whole amount. If one company had gone out of business, the others would have to pick it up.

The companies already use delaying tactics to wear people down. Under Proposition 51, companies responsible for damages would have the right to sue each other if they didn't feel the judgement allocating the percentage fault was correct.

The proposition would lower incentives for safety because the corporations know that they could tie it up forever. So what if a few workers die if they get out of it in the end.

In addition, no insurance company has been able to guarantee that Proposition 51 would reduce premiums or stop the inflation of premiums.

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LCR: *Are there any bills in the legislature right now that you're enthusiastic about?*

SC: Assemblyman Floyd has proposed an Injured Workers Bill of Rights, which encompasses the right to sue employers and is an extremely progressive bill. I think it will be especially difficult at this stage of our country's consciousness to get that through, but I think that it's very important that these types of bills be brought forward to at least point out what workers need in order to have truly no fault comp systems.

We're also working on a safe drinking water initiative which states that anyone whose drinking water has been contaminated and anyone exposed to chemicals, including at the workplace, must be informed.

We are also concerned with Assembly Bill 859, which is a medical surveillance bill which would help prevent cancer and chronic health defects.

We got one bill through both houses of the legislature last year to set up an Office of Occupational Disease in the Workers' Compensation administration, which would set presumptions on the causes of workplace injury. We've already proved that asbestos causes stomach cancer; workers shouldn't have to reinvent the wheel with each case. But Deukmejian vetoed that one. He signed a bill which would have increased medical examination of workers in high risk jobs and which broadened the number of chemicals to be investigated. But he vetoed all the funding.

We see the coming year as crucial. We'll get kind of a sense of whether anything will happen in the legislature. We'll probably be working on an initiative drive for an injured workers bill of rights, along with some other organizations if results dictate.

LCR: *Do you have plan for going national or starting other injured workers groups?*

SC: Yes. We went to Albuquerque, New Mexico last year and worked with 80 GTE-Lenkurt workers there who had the most horrendous set of illnesses and symptoms - massive numbers of reproductive and menstrual problems, hemorrhaging, various types of cancer. The GTE-Lenkurt plant is a runaway shop from San Carlos, California. GTE has since moved the most dangerous department, Department 320, to Juarez, Mexico. They pay the workers ninety cents an hour. But the Injured Workers of New Mexico are becoming politically involved in their own community.

We're working with a group of workers at an aircraft carrier plant in Phoenix, Arizona. They organized spontaneously in response to their own suffering from chemical exposure. They called us to help get themselves started.

And workers from nine states have requested information on how to form their own injured workers groups and we've sent them packets of the information we have and, when we can, we send delegations to other states to help them form groups.

I'll be going to Washington D.C. for the COSH (Community and Occupational Health and Safety) conference later this month. I'll meet up with East Coast injured workers groups and hopefully be able to work towards a national coalition of injured workers groups.

LCR: *How can workers and their unions obtain more information about your group?*

SC: Please write to us at: Injured Workers United, Project of SCCOSH, 277 W. Hedding St., Room 106, San Jose, CA 95110

--Pamela Tellev

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