



2021

NATIONAL AGENDA FOR WORKER SAFETY AND HEALTH

RIGHTS AND PROTECTIONS WE NEED NOW



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NATIONAL AGENDA FOR WORKER SAFETY AND HEALTH



The coronavirus pandemic has ravaged communities across the country while revealing and deepening longstanding, widespread inadequate protections, inequities, and injustice for workers in U.S. workplaces.

Workers who have always been essential, providing us with goods and services that keep us alive, have long been canaries in the coal mine – toiling in dangerous conditions, with inadequate safety protections, or without a financial safety net to tide through an emergency.

Workers of color and immigrants are disproportionately represented in frontline jobs: caring for our families and providing us with our food and other critical needs. Many of these jobs are also among the lowest paid, with little or no access to quality health care, and are among the most dangerous. They have now become

even more deadly during this pandemic. Tragically, occupational segregation is part of an all-too-familiar pattern: The use of strategic racism by those with power and privilege prevents workers from achieving the fair treatment we deserve.

While workers in some occupations have finally been awarded the title “essential,” this recognition is so far, in words only, without any action to truly value and protect workers. Up until now, neither the Occupational Safety and Health Administration (OSHA), our nation’s safety and health agency, nor any other federal body has enacted meaningful protections. Many employers have knowingly disregarded workers’ health and safety during the pandemic. Some have even gambled on workers contracting the COVID-19 virus. Workers’ demands for protection amidst widespread safety violations and retaliation have been routinely ignored.

Because the pandemic has brought heightened attention to the safety and health of America's 160-million person workforce, the Biden-Harris Administration has a unique opportunity to create a meaningful transformation to healthier, more sustainable and more productive U.S. workplaces. American workers deserve workplaces where all possible measures are taken to reduce deaths, illness and injuries. U.S. employers will benefit from reduced medical costs, less time lost from work, and higher productivity.

In addition to protective measures that must be in place now for all workers and workplaces, bold measures are needed to address underlying disparities and

injustices. Workers from all backgrounds must be empowered to act on knowledge of our own workplaces, with a seat at the table with employers and government. The Biden-Harris Administration should listen to workers about when and how work can be done in ways that will save both lives and livelihoods. Together, we can create and enforce fair, sensible laws, regulations and workplace practices.

This platform outlines specific steps the Biden-Harris Administration can take to achieve these goals.

STEPS THE BIDEN-HARRIS ADMINISTRATION CAN TAKE

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1. STRENGTHEN AND ENFORCE OUR SAFETY LAWS AND REGULATIONS

NEW PROTECTIONS ARE NEEDED THAT ARE INFORMED BY SCIENCE, BACKED BY ROBUST ENFORCEMENT, AND DESIGNED WITH MEANINGFUL INPUT FROM WORKERS AND WORKER ORGANIZATIONS.

IMMEDIATE (DAY 1 TO 100)

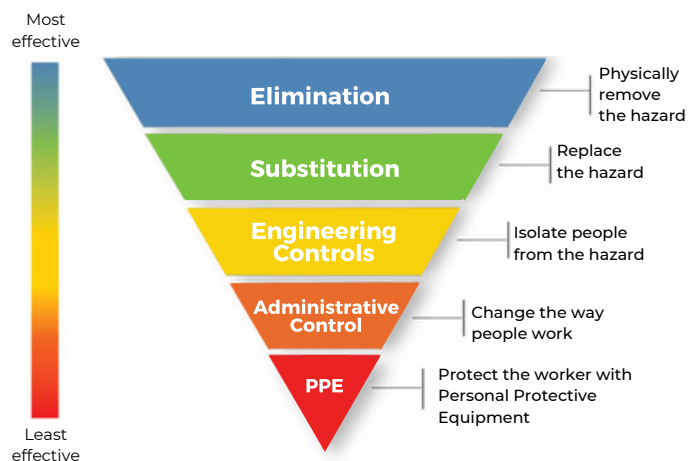
Protections

- Enact Emergency Temporary COVID-19 Standards for all workplaces. These standards should require employers to create and implement a written infection prevention and control plan, developed in collaboration with workers, unions and other worker organizations.

Safety protections must align with the well-established occupational health principle of a “hierarchy of controls.” When we “fix the work, not the worker,” we improve the entire workplace environment and better protect everyone within it.

That means a priority for the more protective elimination, substitution and engineering controls over less protective administrative controls and personal protective equipment.

- Issue clear guidance about the circumstances under which OSHA will protect workers if they refuse to work due to concerns about exposure to COVID-19.
- Reverse measures enacted during the Trump administration that put meat packing and poultry plant workers at grave risk of injury, COVID-19 infection and death.



Enforcement

- Publish a new OSHA Enforcement Directive that prioritizes COVID-19 enforcement in response to complaints and outbreaks.
- Fully staff OSHA offices, including personnel that speak languages commonly spoken by workers who are at the highest risk of injury and death.
- Bolster oversight of OSHA state plans, ensuring that these jurisdictions enact and effectively enforce measures that are at least as protective as existing and newly adopted OSHA requirements.
- Improve investigation of workplace fatalities and serious injuries, actively including families and workers. Go beyond 'inspection for violations' to ensure a complete multiple-cause identification of system failures that contributed to these incidents.
- Maximize transparency and public awareness of OSHA's enforcement activities: Publish full details about workplace fatalities and serious incidents. Return to OSHA's former policy of posting fatality names and issuing press releases about significant violations of health and safety laws.

Resources and Capacity

- Invoke the Defense Production Act to dramatically expand access to urgently needed vaccines and personal protective equipment (PPE), medical supplies for testing, and air purification equipment. Create a comprehensive, efficient and transparent supply chain management system.

WITHIN SIX MONTHS:

Launch a major initiative to rebuild OSHA:

- dramatically expand personnel
- strengthen existing standards improve the standard-making process
- ramp up enforcement policies
- improve criteria for OSHA settlement process to ensure stronger protections as a result of violation abatement.

Advocate for the following legislative priorities

- Support the Protecting America's Workers Act (PAWA.) This legislation will update the OSH Act and expand coverage, strengthen civil and criminal enforcement, enhance whistleblower protections and incorporate a private right of action so workers can defend themselves against ongoing safety violations.

2. DON'T LET EMPLOYERS SILENCE US

WORKERS WHO SPEAK UP ABOUT DANGEROUS CONDITIONS, WHETHER COVID-19 AND ANY OTHER HAZARD, MUST BE PROTECTED BY STRENGTHENING OSHA WHISTLEBLOWER PROTECTIONS AND OTHER ANTI-RETALIATION MEASURES.

Sufficient capacity and personnel:

- Appoint new national leadership for the OSHA whistleblower program with hands-on experience in handling cases, and centralize coordination out of the national office to improve effectiveness and accountability.
- Follow recommendations of the August 2020 report by the DOL Office of Inspector General. This includes increasing the number of investigators to handle whistleblower claims; creating a triage process to expedite complaints; and creating a more efficient caseload management plan.

Halt immigration-based retaliation

- Vigorously take action against employers who use workers' immigration status to silence complaints and assertion of workplace rights.
- Implement and improve the Department of Labor (DOL)-Department of

Homeland Security (DHS) Memorandum of Understanding to ensure that federal immigration authorities refrain from engaging in enforcement at worksites involved in active safety and health and other labor investigations.

- Work with DHS to expand the U-Visa program, which protects crime victims who are assisting law enforcement authorities, so that OSHA and DOL's Wage and Hour Division can provide certifications to those assisting in investigation of safety violations and wage theft. Also press DHS to expand use of parole and deferred action to protect undocumented immigrants who are victims of or witnesses to workplace crimes or other violations and come forward to report them.

Support legislation strengthening whistleblower protections, as included in the proposed Protecting America's Workers Act.



3. LISTEN TO WORKERS: WE NEED A SEAT AT THE TABLE

AS WORKERS, WE KNOW OUR JOBS, WHERE THE PROBLEMS ARE AND HOW TO FIX THEM. EFFECTIVE HEALTH AND SAFETY PROTECTIONS REQUIRE MEANINGFUL WORKER, UNION AND WORKER ORGANIZATION INVOLVEMENT IN ALL PLANNING, PROTOCOLS AND DECISION-MAKING.

Initiate a National Collaboration for Strategic Enforcement to leverage knowledge from workers, worker groups and unions about our working conditions, workers' needs and the ability to reach marginalized communities. This collaboration should focus on those most impacted by employer abuse and those most likely to be silenced by illegal employer retaliation.

- Require all Regional and Area OSHA offices to engage in community-government collaborations. These efforts will address priority safety and health challenges, and strengthen enforcement of safety laws and OSHA standards.
- Expand funding available through OSHA Susan Harwood training grants with a focus on community-based worker organizations and unions. Develop a network of worker leaders and peer educators who are knowledgeable on workplace safety rights and how to identify and prevent workplace hazards.

Expand and fund the role OSHA plays in education and training to empower workers to assert our health and safety rights in our workplaces. This includes:

- OSHA 10 and 30 hour workplace safety classes; and train-the-trainer programs to develop peer educators, to be delivered by unions and community-based organizations.

- Sponsor national and regional conferences that bring together stakeholders to highlight best practices and worker and industries at high risk.
- Use educational programs to introduce topics such as Injury and Illness Prevention Programs and popular education techniques in health and safety.

Add essential workers and labor and occupational health and safety representatives to the President's COVID-19 Task Force, Healthcare Infection Control Practices Advisory Committee and other federal advisory bodies. Response to the pandemic will be improved with more direct experience from workers about the realities of our workplaces.

Advocate for the Protecting the Right to Organize (PRO) Act, expanding protections for workers to exercise our rights to join a union and collectively bargain for better wages and working conditions.

4. SAFE WORKPLACES FOR ALL: EQUITY AND INCLUSION

BOLD MEASURES ARE NEEDED TO ENSURE THAT WORKERS WHO HAVE LONG BEEN MARGINALIZED AND EXPLOITED BY EMPLOYERS AND EXCLUDED FROM LABOR PROTECTIONS ACHIEVE THEIR RIGHT TO SAFETY AND RESPECT.



- Stop misclassification: While ensuring protections for immigrant workers, the US Department of Labor should enact robust enforcement that targets employers who attempt to avoid legal responsibilities by misclassifying workers as independent contractors.
- Protect temporary workers: In “fissured workplaces” with multiple employers, subcontractors and/or staffing agencies, pursue enforcement against all legally liable employers and agencies. Adopt National COSH’s recommendations for procedures to protect temporary workers involved in health and safety incidents or investigations.
- Protect children from dangerous agricultural work by raising the minimum age requirement to be consistent with the requirement for non agricultural industries.
- Ensure broad eligibility of small business owners for the Federal Paycheck Protection Program. Some small business owners may currently be excluded due to a previous arrest or conviction, but have now turned their lives around, are employing others and are contributing valued services that keep our commercial districts accessible – especially in low-income neighborhoods.

Advocate for the following legislative priorities

- End the exclusion of domestic, agricultural, public sector, and some gig economy workers from federal labor protections.
- Halt sexual harassment and violence through the Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act (BE HEARD in the Workplace Act)
- Strengthen day labor and temporary worker protections through the Restoring Worker Power Act.



5. GUARANTEE FAIR AND JUST COMPENSATION FOR WORKERS, NO SPECIAL DEALS FOR CORPORATIONS

PAID SICK AND FAMILY LEAVE IS ESSENTIAL FOR ALL WORKERS. THOSE WHO BECOME INJURED ON THE JOB MUST BE TREATED FAIRLY - AND COMPANIES MUST BE HELD ACCOUNTABLE FOR ACTIONS WHICH CAUSE HARM TO WORKERS.

- End the spiraling of injured workers into poverty and pain, with stronger federal oversight of workers compensation programs. Appoint a national commission to study the workers' compensation system and ensure minimum standards that trigger federal oversight if state programs fail to adequately compensate workers.
- Establish a federal program to provide long-term health and survivor benefits for workers and their families.

Advocate for the following legislative priorities:

- Ensure that all workers have paid sick and family leave, paid time during isolation due to exposures, and essential worker pay. This includes undocumented immigrants, health care workers, and any who have been excluded from previous COVID-19 relief.
- Oppose corporate immunity from COVID-related claims, whether brought by private parties or the government.



6. CREATE WORKER-CENTERED PROTOCOLS TO TRACK, PREVENT AND PROTECT AGAINST COVID-19

WORKPLACES ARE A KNOWN VECTOR FOR SPREADING INFECTIONS DISEASE. WE NEED TRANSPARENT AND INCLUSIVE SCREENING, TESTING, CONTACT TRACING, AND VACCINE DISTRIBUTION, BACKED BY THOROUGH DATA COLLECTION AND DISSEMINATION.

- Institute robust surveillance, widespread testing, effective contact tracing, and prompt case isolation.
- Fund and coordinate with local and state health authorities to ensure that workers have access to diagnostic COVID-19 testing that is reliable, rapid and free at point-of-service..
- Engage and fund community-based organizations and unions to reach those at greatest risk of exposure to COVID-19
- Educate and assist high-risk workers in getting access to vaccines, including priority access for essential workers at no-cost, regardless of immigration status
- Ensure administrative and health care supports for timely follow-up care if needed for any patient that has received a vaccine.
- Coordinate public health surveillance for COVID-19 with collection of reliable data including occupation, race and ethnicity. Data must be publicly available and free of corporate or other improper influence.
- Ensure that the U.S. Bureau of Labor Statistics makes injury, illness and fatality information gathered from public sources available to the public on its website





7. CONFRONT THE WORKPLACE EFFECTS OF CLIMATE CHANGE

A SHIFT TO A GREEN ECONOMY IS REQUIRED TO PROTECT OUR PLANET, RESOURCES AND PEOPLE. A JUST TRANSITION IS NEEDED, WITH JOBS AND ECONOMIC BENEFITS FOR THOSE IN CHANGING WORKPLACES.

- Invest in infrastructure and adaptation activities that use the 4G's: green products, green production methods, green healthy and safe jobs with fair wages, and green communities.
- Ensure a just transition for workers and communities adversely affected by a to a shift towards a sustainable environment economy. This includes job training, economic support, health and safety protections, and ongoing career support.
- Develop a heat stress standard and other protections for workers impacted by climate change, whether working indoors or outdoors. An enforceable OSHA standard should require rest, shade and water for those exposed to extreme heat. Standards should also include emergency response for workers with heat-related illness, and training for employers and employees.
- Develop special protections for those involved in disaster response, post-storm cleanup, and other disaster cleanup efforts.
- Ensure healthy schools by making school buildings a top priority for repairs, retrofits and "greening" activities, including changes related to climate change. Provide resources to address poor school ventilation to reduce the risk of virus transmission among students, teachers, staff and parents.

8. PREVENT CHEMICAL CATASTROPHES AND HARMFUL EXPOSURES

A COMPREHENSIVE APPROACH, BASED ON SOUND SCIENCE, TO PREVENT HARM FROM TOXIC CHEMICALS IN OUR HOMES, WORKPLACES, AND COMMUNITIES.

- Design a new framework to protect workers and communities from chemical hazards that goes beyond the use of numerical exposure limits for individual chemicals. This effort should bring together OSHA, the Environmental Protection Agency (EPA), the National Institute for Occupational Safety and Health (NIOSH) and occupational and environmental safety and health advocates.
- Direct the Mine Safety and Health Administration (MHSa) to issue a strong silica standard, completing a rulemaking process that began in 2016.
- Nominate members to ensure a fully functional U.S. Chemical Safety Board (CSB); four out of five Board seats are currently vacant. Rebuild CSB investigative capacity by hiring staff to address the underlying causes of chemical disasters.
- Work with the U.S. Environmental Protection Agency to reverse the misnamed “transparency” rule, rushed through in the last days of the Trump Administration. By requiring release of raw data in all scientific studies used by EPA, this burdensome rule precludes the use of studies with individual patient data, which cannot be made public due to federal privacy laws. This prevents EPA from using peer-reviewed epidemiological studies to learn how to protect the public from COVID-19, exposure to toxic chemicals, and other public health hazards.
- Work with EPA to ban the use of extremely toxic pesticides in agriculture and require stronger protections for farmworkers.



ENDORSEERS

The following is a list of organizations and individuals that endorse the National Agenda for Worker and Health Safety:

COSH GROUPS:

- Cincinnati Interfaith Workers Center
- Connecticut Council on Occupational Safety and Health
- Fe y Justicia Worker Center/Houston Area COSH
- Knox Area Workers' Memorial Day Committee
- Maine Labor Group on Health
- Massachusetts Coalition for Occupational Safety and Health
- Mid-State Education and Service Foundation
- The Mississippi Workers' Center for Human Rights
- New Hampshire COSH
- New Jersey Work Environment Council
- New York Committee for Occupational Safety and Health
- North East New York COSH
- Philadelphia Project on Occupational Safety and Health
- Rhode Island Committee on Occupational Safety and Health
- Safe Jobs Oregon
- Florida Interfaith Worker Justice/South Florida COSH
- Southern California Coalition for Occupational Safety and Health
- Western North Carolina Workers' Center
- Western New York Council on Occupational Safety and Health
- Wisconsin Committee on Occupational Safety and Health
- Workers' Safety and Health Coalition of Central New York
- Worksafe

ORGANIZATIONS AND

INDIVIDUALS:

- A Better Balance
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- APHA Occupational Health and Safety Section
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- Border Workers United
Blanca Estela Delgado, Executive Director
- Cannabis Workers Coalition
Savina Fierro, Executive Director
- Casa Latina
Marcos Martinez, Executive Director
- Center for Biological Diversity
- Center for Progressive Reform
- Center for Worker Justice of Eastern Iowa
Mazahir Salih
- Centro de los Derechos del Migrante
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- Coalition of Labor Union Women
- DePaul University Labor Education Center
- Farmworker Association of Florida
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- Food Chain Workers Alliance
- Garment Worker Center
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- Government Accountability Project
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- Health Work Campaign—Center for Social Epidemiology
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- Justice at Work (Pennsylvania)
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Tanya Wallace Govern, Executive Director
- National Day Laborer Organizing Network
- National Employment Law Project
- National Nurses United
- Natural Resources Defense Council
- New Jersey Education Association
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- Newark Water Coalition
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- NJ State Industrial Union Council
Carol Gay, President
- One Fair Wage, Inc
Saru Jayaraman, President
- Oxfam America
- People's Parity Project

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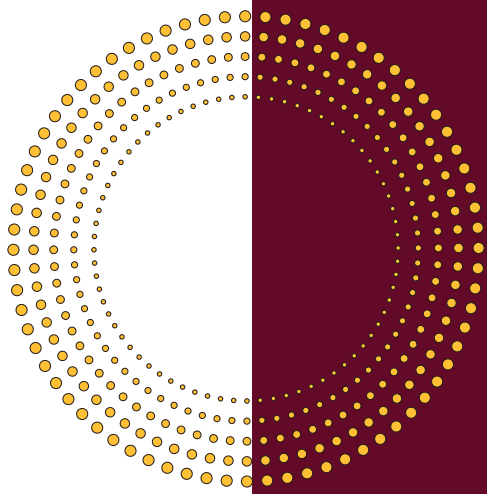
CONTINUED:

- Public JusticePublic Justice Center
- Restaurant Opportunities Center of the Bay
- Maria Moreno, OrganizerSafeWork Washington
Jay Herzmark, Director
- Shriver Center on Poverty Law
Jeremy Rosen, Director of Economic Justice
- Susan Roe Foundation, Inc.
Susan Roe, President & CEO
- Temp Worker Justice
Dave DeSario, Director
- The Welcome Project/Somerville Worker Center:
Francisca Sepulveda, Worker Rights Organizer
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The National Council for Occupational Safety and Health is dedicated to promoting safe and healthy working conditions for all working people through organizing and advocacy. Our belief that almost all work-related deaths and serious injuries and illnesses are preventable motivates us to encourage workers to take action to protect their safety and health, promote protection from retaliation under job safety laws, and provide quality information and training about hazards on the job and workers' rights.

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