



## **The (U.S.) National Council for Occupational Safety and Health**

### **Who we Are:**

The National Council for Occupational Safety and Health (National COSH) is a federation of local and statewide "COSH" groups--Committees/Coalitions on Occupational Safety and Health. COSH groups are private, non-profit coalitions of labor unions, health and technical professionals, and others interested in promoting and advocating for worker health and safety.

The first COSH group was founded in 1972. For a full listing of COSH groups along with links to their websites or to get further information about the groups, please visit our website at [www.coshnetwork.org](http://www.coshnetwork.org).

### **Our Mission:**

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.

**The National Council for Occupational Safety and Health is spearheading several campaigns to protect American workers and their right to a safe and healthy workplace:**

## **Immigrant Workers Campaign**

In the United States, immigrant workers constitute a significant proportion of the workforce.

Unfortunately, they also suffer a disproportionately high level of workplace injuries and fatalities. While increased public acknowledgement of this serious and growing problem is an important first step, government agencies must be held accountable to ensure that immigrant workers have meaningful protection under the workplace safety and health laws regardless of immigration status.

The Immigrant Workers Campaign brings worker advocates together to ensure better workplaces for immigrant populations and ensure government entities are protecting those rights.

## **Responsible Contractors on Public Works Projects**

A lot of the people we see doing public works projects – paving public roads or laying municipal sewer lines, for example – are not public employees. They work instead for contractors, who were hired through a public bid process that rewards the lowest bidder. All too often, these low bidders manage to obtain contracts because they cut corners on safety, putting workers' lives and health at risk.

We believe that contractors' workplace safety and health programs should be considered during the public bid process and we are working throughout the country to urge state and local public officials to consider bidders' safety records and programs when they award public contracts through a public bid process.

## **An OSHA Prevention Standard for all Workers**

Nearly everyone who is affected by OSHA's rulemaking process agrees that the system is broken—proposed rules affecting a single hazardous substance typically take years, sometimes *decades*, to make it through the labyrinthine process required for a proposed rule to become law. As a result, millions of workers across the U.S. are left unprotected from many common hazards.

Under current chief David Michaels, OSHA has announced its intention to develop a rule that would help address this problem in a common sense manner. OSHA's proposed Injury and Illness Prevention Program Standard (or "Prevention Standard" for short) would direct employers to identify hazards in their workplaces and develop and carry out plans for minimizing risks to workers. It wouldn't tell employers *how* to do this, but would give them the flexibility to develop solutions that are practical in their workplaces.

Sounds reasonable, right? Unfortunately, OSHA's proposal has set off a knee-jerk wave of negative response from national business and industry associations, despite the fact that *many national companies already have these programs in place and can attest to their usefulness in reducing workplace injuries and illnesses*. Many U.S. states with state-run OSHA programs already have similar rules in place and employers in those states generally report few problems in complying.

The National COSH is working with our network of worker health and safety advocates *to promote a strong OSHA Prevention Standard* that involves workers in health and safety programs and ensures protections for those who report job hazards or injuries.

## **Real Protection for Whistleblowers**

Workers who report safety and health hazards on the job are supposed to be protected from retaliation under section 11c of the OSH Act. Sadly, the system for protecting "whistleblowers" from retaliation is badly broken and has never

effectively functioned to protect workers from retaliation. Several independent government audits have found that very few workers who are fired for reporting hazards ever get their jobs back.

At the National COSH we believe that the OSH Act can never truly protect workers if they don't have a real right to speak up for their health and safety. That's why we are working on a national campaign to promote real protections for whistleblowers, both through proposed changes to the OSH Act and through changes in the way that local and regional offices handle whistleblower complaints.

## Our Policy Agenda

1) **A stronger OSH Act:** The Occupational Safety and Health Act, enacted in 1970, is badly in need of updating and strengthening. Specifically, the Act should be amended to:

1. Provide coverage for millions of workers left uncovered by the Act, including state and local government employees, federal employees, and farmworkers.
2. Strengthen protections for “whistleblower” to ensure that workers truly enjoy the right to speak up for their health and safety on the job.
3. Prohibit the widespread practice of discouraging reporting of injuries.
4. Increase the maximum penalties for serious, willful, and repeat violations. Currently these penalties are so low as to make them an ineffective deterrent to unsafe working conditions.
5. Allow for felony prosecutions against employers who commit willful violations that result in death or serious bodily injury. Currently criminally negligent behavior by employers can only result in a misdemeanor prosecution.

2) **Reform OSHA's Standard-Setting Process:** OSHA's process of issuing new health and safety standards has become hopelessly bogged down in bureaucracy. The time between the proposal of a standard and its ultimate adoption has stretched for years, even decades, in some cases. This system must be

fundamentally reformed in order to allow OSHA to modernize many of its long outdated standards.

3) **Adoption of a Federal OSHA “Prevention Standard”:** The current OSHA leadership has recognized that the outdated and dysfunctional standard-setting process is not up to the task of protecting worker safety and health. They have proposed adoption of an “Injury and Illness Prevention Program Standard,” which would require employers to identify hazards and provide them with the flexibility to determine how to prevent these hazards in their workplaces. This commonsense solution should be adopted, as it already has been in California and several other states.

4) **Effective State OSHA Enforcement:** Federal OSHA and worker advocates should hold State OSHA programs to strict standards to ensure that their enforcement efforts are at least as effective as federal OSHA, as required by the federal OSH Act. Many of these programs have failed to live up to this promise and must be held accountable.

5) **Responsible Contractors on Public Works Projects:** State and local governments should adopt policies for the awarding of contracts for public works projects to ensure that only responsible employers with effective safety and health programs are awarded contracts.

6) **Strong Protections for Immigrant Workers:** State and Federal OSHA offices should ensure that immigrant workers, who are particularly vulnerable to serious workplace hazards, are adequately protected on the job.

7) **Serious Protections for Whistleblowers:** Several Government Accountability Office (GAO) audits have found that OSHA’s Whistleblower Protection program has failed to achieve its goal. OSHA must take action to ensure that workers who speak up for the job safety and health are protected from retaliation.

8) **Adopt long overdue protections from Silica dust:** A proposed rule on limiting worker exposure to deadly silica dust has languished for years in the standard-setting process. This standard should be allowed to proceed through the process and be adopted to ensure that no more workers die of silica-related disease.

9) **Adequate budgets for federal Safety and Health agencies:** OSHA has been chronically underfunded throughout its history, having reached its peak in

enforcement capacity in the 1970s. OSHA, the National Institute for Occupational Safety and Health (NIOSH), and the Mine Safety and Health Administration (MSHA) should all be allocated sufficient resources to fulfill their missions of protecting America's workers.

10) **Protections for Farmworkers:** The federal government should take action to ensure adequate protection for farmworkers. Many agricultural employers are exempt from workplace standards; responsibility for other safeguards, like those for pesticide exposure, is dispersed among the Environmental Protection Agency (EPA), OSHA, the U.S. Department of Agriculture (USDA), and state agencies.

11) **Reform Workers' Compensation Programs:** Too often, "Workers' Compensation Reform" has meant taking away injured workers' legitimate rights to compensation. State legislatures across the country should strengthen, rather than seek to limit, workers' rights to adequate compensation for on-the-job injuries.

12) **Stop "Blame the Worker" Safety Programs:** Programs which discourage workers from reporting injuries, either through "safety incentive" programs or through disciplinary practices that punish workers who report injuries, have become widespread. These programs must be eliminated to ensure that federal safety agencies have an accurate count of the true magnitude of the problem of workplace injury and illness.

13) **Address Unregulated Hazards:** Several serious workplace hazards are not covered by any OSHA regulations, leaving workers vulnerable to serious job injuries and illnesses. Workplace violence, repetitive strain and ergonomic injuries and illnesses, combustible dust, and aerosol infectious agents are just a few of the most serious hazards that require attention from OSHA and employers to ensure that workers' safety and health is protected.