

safety net

MassCOSH **Fall 2010**

MASSACHUSETTS COALITION FOR OCCUPATIONAL SAFETY AND HEALTH



MassCOSH members protest inside Grand China Buffet

Restaurant workers say no to safety, wage violations

For years, Felipe labored 12 hours each day, six days a week at a well-known Chinese restaurant in Raynham. But after he and co-worker Abel refused to operate a broken gas oven out of fear for their safety, the

Tale of two struggles: workers reject false choice of safety vs. paycheck

two men were fired, according to the workers.

Tired of the abuse, the two fired workers - joined by MassCOSH and other supporters - returned to Grand China Buffet in late August to deliver an "unfair labor practice complaint" to the owners. Thirty people held rain-proof signs under overcast skies, speaking to customers inside and outside the business regarding troubling working conditions.

Workers claim that they were being paid below the legal minimum wage and that management owes them over \$100,000 in unpaid overtime.

Instances of aggressive mistreatment and physical abuse were also raised in the hand-delivered document.

One former employee, Fidela Martinez, a 17 year old mother, maintains that when she was 16 she worked for the restaurant but never received any pay. She also claims to have been forced to work 10 hour days Monday through Thursday and 13 hour days for the remainder of the week. Martinaz was unaware the hours were in major violation of state Child Labor Laws.

"I had worked at Grand China

continued on page 5

Sewer worker firing draws sparks

Steve Dempsey is no stranger to speaking up about unsafe conditions at the Hingham Sewer Department where he has been employed for over two decades. So when a co-worker suffered from two electrical shocks at a pumping station with a history of safety hazards, Dempsey took steps to file a complaint with the state's Division of Occupational Safety. Now Dempsey is fighting to keep his job.

"There seems to be no protection for someone like me," said Dempsey, a member of Teamsters Local 25. "We have repeatedly requested that the Town meet with

a health and safety committee stipulated by our union contract. Instead of addressing problems, the level of harassment has intensified."

In addition to electrical hazards, Dempsey had reported to Division of Occupational Safety (DOS)

instances of confined space dangers. At a hearing before the Sewer Commission, Dempsey also said that he and the crew had been subject to sexual harassment by his supervisor in 2007, stating that he brought inappropriate "computer enhanced pictures of the crew" into work.

continued on page 4

Inside

- For teens, summer all but lazy **3**
- Peer leader alumni coach teen crew
- Collaborative unites workers **5**
- Floor finishing becomes law **6**
- Volunteer spotlight
- MassCOSH Sponsor: Mass Environmental Trust **7**
- Annual Event **8**

Greetings friends,

Last year, when I became a Peer Leader at MassCOSH's Teens Lead @ Work, little did I know how fitting the word "peer leader" would be. Having recently graduated from high school, I now look back and see that I - like my fellow peer leaders - played so many leadership roles: peer educator, organizer, board clerk, and media spokesperson (Did you catch my interview in the Globe magazine?).

Having worn all those hats, it's clear to me that building leaders among youth, immigrants, unionized and non-unionized workers is at the heart of MassCOSH's mission. What better way to ensure that all workers can go to a safe, healthy workplace but by having a whole network of youth and adult workers leading the fight.

In this issue of Safety Net, you'll get to meet some of the many MassCOSH members who are leading the fight for safe, healthy jobs, including:

- Fidelia, a seventeen year old young woman who joined her co-workers to fight against wage and other labor abuses at the restaurant where she worked;
- Yen and Cristina, Teens Lead @ Work peer leader alumni, who returned to MassCOSH this summer to mentor and coach our 17 youth peer leaders.
- Jamie, an occupational ergonomics professional and MassCOSH volunteer, who has used her expertise to support other MassCOSH leaders.

In addition to just reading about this interesting group of people, you can meet many of them in person – at MassCOSH's Annual Event – Thursday, October 28, 6:00 PM at the Carpenter's Center. The event will feature live music, tasty food and lots of cool people. I can't wait to meet you!

In Solidarity,
Starling Anthony
Board Clerk



MassCOSH is please to introduce our newest staff to the organization. From Right to left: Adrian Bispham – AmeriCorps MA Promise Fellow; Jeff Newton – Membership and Communications Coordinator; and Iveth Caceras – Weatherization Outreach/Mobilization Organizer. Attending MassCOSH's annual event is the perfect opportunity to welcome these individuals to the cause!

MassCOSH

Board of Directors

Ivette Cacaes, *Worker Center Rep.*

Elissa Cadillie, *AFSCME Local 1526*

Ted Comick, *IUE/CWA Local 201*

Israel Evora, *Worker Center Rep.*

Manny Gines, *Organizer, NERCC*

Starling Anthony
MassCOSH Board Clerk

Phil Katz, *AFT-MA*

Susan Shepherd

Alan Pierce, *Attorney*

Richard Rabin, *Chair*
Mass. Division of Occupational Safety

Melissa King, *Treasurer*

Kim Wilson, *UMass Dartmouth Labor Extension*

Staff/Volunteers

Jonny Arevalo, *Worker Center Organizer*

Robert Burns, *Training and Outreach Coordinator*

Maxine Foster, *Senior Aide*

Marcy Goldstein-Gelb, *Executive Director*

Adrian Bispham

TL@W Coordinator- AmeriCorps
Massachusetts Promise Fellow

Tolle Graham, *Healthy Schools Coordinator*

Isabel López, *Worker Center Coordinator*

Nancy Luc, *Youth/Healthy Schools Coordinator*

Mirna Montano, *Worker Center Organizer*

Jeff Newton

Membership and Communications Coordinator

Al Vega, *Operations Manager*

Iveth Caceras

Weatherization Outreach/Mobilization Organizer

Teens Lead @ Work Peer Leaders

Nhu Pham, Taija Drayton, Whitley Paris

Laurie Paris, Armelle Carmen, Lilibeth Pimentel

Deonna Johnson, Alana Johnson, Shaquira Coulter

Charles Core-Archie, Akelia Medford

Natalia Reynolds, Maria Goncalves, Ashlee Morton

Starling Anthony, Tonia Greene

MassCOSH

1532B Dorchester Ave, Dorchester MA, 02125

617-825-SAFE (7233)

info@masscosh.org www.masscosh.org

For teen peer leaders, summer all but lazy

Just days after that last school bell rings in June, the workforce is flooded with young teens looking to make some extra money. This past summer, determined to avert work injuries that could affect teens for the rest of their lives, a team of youth peer leaders from MassCOSH Teens Lead @ Work (TL@W) embarked on an effort to ensure that youth were armed with essential job safety information.

The state's Commonwealth Corporation and Department of Public Health, which collectively fund thousands of youth summer jobs, instituted a new requirement that all grant recipients provide safety training to their teen employees – a critical achievement toward MassCOSH's goal that all youth jobs programs require safety training.

As a key component of workplace safety, TL@W peer leaders educated young people on the perils of sexual harassment at the workplace – an issue even adults can have difficulty

addressing. The youth developed a comprehensive curriculum last summer, with assistance and input from the state's Occupational Health Surveillance Program, Attorney General's Office and many other youth and adult advisors.

"Before there was no curriculum for us, there was no teen-friendly material on sexual harassment," reports Whitley Paris, a summer peer leader. "Without this training, teens wouldn't know what to do, like who would they know to report harassment to if their boss was doing it?"

After taking part in the TL@W program, the peer leaders hope that teens would be more aware of their rights at the workplace when exposed to any hazards – including sexual harassment – and would know what to do if such a situation at work occurs.

The teens capped off their summer with a reunion event during the



MassCOSH teens prepare to lead a summer workshop

MassCOSH open house, celebrating 9 years of the program. Current and former peer leaders were in attendance to discuss the program's humble beginnings and possible future achievements, including possible national conferences on youth health and safety issues. At the end of the event, the group reiterated its commitment to workplace safety and stood firm in their pledge that as long as teens continue to be a part of the workforce, TL@W will seek to inform them on how to maintain a safe and healthy job environment.

Peer leader alums return to coach new teen crew, gain lifelong skills



MassCOSH interns Yen Nguyen & Cristina Fernandes give a first person account of what it is like to hold a full time summer job coaching and mentoring teens.

Working as college interns for the MassCOSH Teens Lead @ Work program was one of the smartest decisions we could have made. Not only were we given the opportunity to develop resume-building experience, we also found ourselves becoming career-ready young people.

A year ago, we were on the other side of the table, serving as the peer leaders we now managed; but as interns we were able to witness the real work required to make TL@W the effective and state-revered program it is today.

A full-time job in an office environment came a bit as a culture shock, there always seemed to be more tasks to be accomplished and more responsibilities to take on. We were consistently making or answering phone calls from the various organizations we partner and work with, sending and receiving emails from members and parents, and traveling from place to place for trainings.

Our work was designed to help the teens learn to be confident leaders and ensuring their work days would be organized and educational. We assisted Nancy, MassCOSH's youth coordinator and Niea, our Program Fellow, undergo strategic planning throughout the summer, and it took a lot of planning to manage 17 teenagers five days a week. We understood

it was key that programming should run smoothly and productively at all times. We also made sure to attend and participate in some very important meetings with major funders that make the work we do possible.

But of everything we did, we are most proud of the fact that we set an example of what young adults are capable of when we put our minds to it. By having more young adults take up meaningful jobs advocating for safe, secure employment; we hope to enlighten thousands of eighteen to twenty-four year olds on their rights on the job, the age group that experiences the most work related injuries.

We will always remember this summer as the beginning of our successful careers. We would like to thank all those who have made this opportunity possible!

-Yen Nguyen & Cristina Fernandes

Sewer worker firing draws sparks continued from page 1

Dempsey and his Teamsters Business Rep approached MassCOSH to explore what recourse public employees have to address safety and protect against retaliation.

“If these workers were in the private sector, they would be required, by OSHA, to have a health and safety protocol of steps to protect them in this inherently dangerous work such as confined space and permit required entry,” says Robert Burns, MassCOSH training and outreach coordinator.

While lacking OSHA protections, Massachusetts General Laws do require the state ensure basic safety and health protections for municipal and county employees. According to a DOS memo, the agency can hold cities and town to OSHA standards.

“It’s important that serious safety violations be reported to DOS,” said Burns. But, he added, given that DOS lacks the authority to issue fines or other penalties, Massachusetts urgently needs to expand OSHA protections for all workers.

Without strong whistleblower protections for public employees, Dempsey and the Teamsters felt compelled to use the court of public opinion to urge the town to reconsider taking action against Dempsey and to instead devote their efforts to ensuring worker safety.

“What has been the most effective so far has been going public – letting the ratepayers become aware of the unsafe conditions and hostile environment,” said Dempsey.

Dempsey’s job remains in

jeopardy – as do the health and well being of his co-workers. But at a Sewer Commission Hearing to review his case, scheduled for October, Dempsey, joined by Teamsters and MassCOSH members, will send a strong message demanding that the Town ensure the rights of workers to speak up for their safety without fear of reprisals.



Sewer workers regularly work in confined spaces

Public Sector Worker Health and Safety Rights in a Nutshell

- Public Sector workers in MA are not covered under Federal OSHA. Executive Order 511, issued in 2009, takes steps toward expanding OSHA coverage by establishing labor management health and safety committees and conducting workplace hazard assessments in state agencies.
- Municipal and county employee health and safety is covered in a general manner under Chapter 149 section 6 of the Massachusetts General Laws. In the absence of specific standards, it is Division of Occupational Safety policy that City and County employers comply with OSHA Standards as a baseline.

Protect your self against retaliation:

- MA General Law 150 section E Concerted Activity section provides rights against retaliation (discharge, suspension, demotion, etc.) when more than one worker engages in activities for mutual aid and protection. Be sure to document everything!
- MA Whistleblower law: MGL Ch.149 S. 185 prohibits retaliation against a public employee who discloses or threatens to disclose to a supervisor or public body a policy or practice that the employee reasonably believes poses a risk to public health or safety, or violates a law or regulation.

Use your Union’s Collective Bargaining rights:

- You have the right to get relevant information including injury records, certain medical results, material safety data sheets, inspection reports or test results; negotiate health and safety contract language and enforce existing clauses such as formation of labor management committees.

“Collaborative” unites workers across borders for safe, decent jobs



Workers join together under Worker Center Collaborative banner

When Abel and Felipe sought community support to restore their jobs after being fired from a popular Chinese restaurant for refusing to use a malfunctioning oven, they didn't have to look far. Abel and Felipe were joined by nearly two dozen fellow workers chanting “Yes, we can!” in Spanish, Chinese, English, Maya Quiché and Portuguese during an August 25 demonstration outside the business.

Members of MassCOSH's Worker Center were bolstered by worker leaders from the Chinese Progressive Association (CPA), Centro Comunitario

de los Trabajadores of New Bedford, and MetroWest Worker Center. The organizations are a few of the key entities that have united to support worker organizing efforts through a solidarity network called the Immigrant Worker Center Collaborative (IWCC).

“The restaurant workers were brave to come out and I think it put pressure on the owner to respond,” said Amy Leung, an organizer at CPA. “Actions like these that involve workers from different neighborhoods and ethnic groups are important to show that when workers come together and organize they can achieve important improvements.”

IWCC brings together worker centers to develop the organizational capacity of affected immigrant workers to achieve real improvements on the job and in their communities.

The IWCC serves as essential collective learning and resource network for immigrant worker centers. By pooling resources, the IWCC develops collective strategic campaigns which would be far less effective if each organization worked individually. The

collaborative has become a proven force in building all-important cross-ethnic solidarity.

IWCC members also identify policy shortcomings and join together, along with unions and other community groups, to develop policy initiatives and advocate on their behalf. One such example is the collaborative efforts to pass the Temp Worker Right to Know Bill – legislation which would require temp agencies to provide written details of key job assignments and disclose of how to reach Division of Occupational Safety and the right to workers' compensation – none of which is currently required by law.

“IWCC members played a key role in moving the Temp Worker Right to Know Bill through the legislature,” said Isabel Lopez, MassCOSH's Worker Center Coordinator. “The participating organizations have worker members who live these abuses every day so they know which solutions will be most effective and can tell their stories to legislators to make it real.”

To learn more about IWCC, call or email Isabel Lopez at 617-825-7233 x18, isabel.lopez@masscosh.org.

Restaurant workers say no to safety, wage violations continued from page 1

Buffet since last June with no pay,” states Martinez, who was pregnant while working for the restaurant. “They gave me a small room to live in with my boyfriend but would not pay me. They made me work excessive hours with no breaks. What we did today made a difference for workers... and I think it will make them change how they treat us.”

The employees were joined by a delegation of community leaders who are currently championing their case. MassCOSH, which has been helping the workers learn about their rights and develop a strategy to address their concerns, recruited members of the Chinese Progressive Association and the Centro Comunitario de Trabajadores (the Workers Community Center) to support the

workers. The three organizations, all members of the Immigrant Worker Center Collaborative (see page 5), work together to build solidarity among workers across ethnic groups.

MassCOSH and lawyers' committee member Tom Smith also assisted the fired workers in filing an OSHA whistleblower (11c) claim and other workers in filing a claim for wages due through the Massachusetts Attorney General's Office.

“The action went well because we need to stop the abuses and only demonstrations or protests will help us let others know what kind of abuses are going on and how we can stop them” said Ana Rosa, a MassCOSH member.

“Bringing these issues directly to an abusive employer in this highly

visible manner really gets their attention,” says MassCOSH media and membership coordinator Jeff Newton. “You can see that they are totally unprepared to deal with workers who have spent time organizing and are standing as one to demand better working conditions. It really sends a powerful message that things have to change and change fast.”

With MassCOSH assistance, the workers are currently negotiating with the owner of Grand Chinese Buffet.

Felipe sums the workers message perfectly. “Being treated fairly and having our employer follow the same wage and hour laws as everyone else is all we want and that's not too much to ask.”



Landmark floor finishing safety bill signed into law

This summer marked a major MassCOSH legislative victory with the passage of a groundbreaking bill banning deadly floor finishing products responsible for the deaths of three

Massachusetts floor sanders, numerous burn injuries and countless home fires.

The Massachusetts Floor Finishing Safety Task Force, spearheaded by MassCOSH, had been working for five years with labor, industry and community members to put an end to widespread fires caused by highly flammable lacquer floor sealer. Thanks

to the task force's hard work, after December it will be unlawful to use lacquer sealer, a product which can quickly ignite from a simple spark.

"Protecting the public's safety is our greatest responsibility," said Governor Patrick, flanked by members of the Massachusetts Floor Finishing Safety Task Force at a ceremonial signing of the law. "This commonsense law puts a stop to the dangers linked to floor finishing products."

Federal safety bill moves forward, risks back-slide in wake of elections

Just days before Congress recessed for the summer in late July, the House Education and Labor Committee overwhelmingly approved legislation to reform the nation's worker safety laws – but the bill risks being sent to the back-burner, as legislators focus on November elections.

The Robert C. Byrd Miner Safety and Health Act (H.R. 5663) would strengthen mine safety penalties and expand inspections, while increasing OSHA penalties and protections for whistleblowers for workers in other

industries. Recent coal mine disasters such as the April 5 Upper Big Branch mine explosion in West Virginia have given this bill some momentum.

"The nation has mourned the loss of the Massey miners, the BP oilrig workers, the Tesoro Refinery workers and others who have lost their lives on the job," said AFL-CIO President Richard Trumka. "This Labor Day, let's honor them by passing significant reform for the future. Without action, these kinds of tragedies and unnecessary deaths are certain to

continue."

Several members of the Massachusetts delegation have signed on to support the legislation, including Congressmen Michael Capuano, Barney Frank, and John Tierney. MassCOSH members have vowed to press on to achieve support from the entire MassCOSH delegation.

"We need to continue our vigilance, calling and meeting with legislators at the state and federal level," said MassCOSH Executive Director Marcy Goldstein-Gelb. "Our elected officials need to hear from us."

Volunteer Spotlight Jamie Tessler



When hotel housekeepers with severe shoulder and back injuries needed an expert to compare their workplace survey findings with national data and join them in presenting their demands to management, MassCOSH knew just who to recruit. For ten years, Jamie Tessler had been offering her skills and time as a member of MassCOSH's Health Tech Committee – a diverse network of professionals that lend their health and safety expertise to MassCOSH's members. Tessler brings a very special skill set to MassCOSH – she is an occupational ergonomics researcher.

An occupational ergonomics professional such as Tessler looks at the

"fit" between a worker and the physical and psychological demands of his/her job. The goal is to help workers avoid injuries caused by overexertion and stress by designing the job to fit within the limits of the human body. Her areas of expertise include healthcare and public sector office workers.

MassCOSH's work with immigrants and low-income groups is of particular importance to Tessler.

"[MassCOSH] advocates on behalf of workers whose suffering is the least visible," says Tessler. "They work at jobs most people don't want to do and are most vulnerable and most exposed to known and preventable occupational hazards. Workers' stories need to be told and understood; often times what happened in their particular case can be the tip of the iceberg for issues within their occupation, or a symptom of a much larger problem. Providing them

with validation, technical support and tools to improve their work environment is deeply rewarding."

When asked why she sees her volunteer work as so important Tessler had this to say.

"MassCOSH works very hard to maintain a talented and dedicated staff, but there is also a need for scientists and experts in a wide range of disciplines. For occupational health researchers whose work keeps you stuck behind a computer, volunteering with MassCOSH will offer you the opportunity to make a difference in the lives of working people. All skill levels and backgrounds are welcome to help."

To learn more about MassCOSH's Health Tech Committee, occupational ergonomics, or to volunteer your time, please email marcy.gelb@masscosh.org.

Get to know a MassCOSH Sponsor: Massachusetts Environmental Trust

When experiencing bumper to bumper traffic coming to or from work, very few of us contemplate how our auto dependent lifestyle impacts our health and safety. From diesel fumes to toxic break cleaners, workers face a gamut of environmental hazards from driving in, repairing, or working near cars.

But there is one part of our vehicles that actually promotes worker environmental health: the simple license plate.

Thanks to the Massachusetts Environmental Trust, funds from the purchase of specialty license plates benefit MassCOSH's worker environmental health programs as well as other projects that protect the state's residents and water resources. Founded in 1994, these license plates play a critical role in mitigating environmental health threats caused by pollutants associated with automobiles.

"Many of the cleaning products encountered in the workplace are hazardous to the environment as well

as to people," said Bill Hinkley, Massachusetts Environmental Trust's Executive Director. "Just because a material is flushed down the toilet or poured down a drain does not mean it is gone.

Such chemicals can easily enter the waters of the state where they can harm fish, wildlife and people. The work of MassCOSH to promote the use of less toxic alternatives provides great benefits to workers as well as to the whole community. "

MassCOSH continues to fight for all workplaces to replace toxic chemicals with environmentally friendly alternatives. You can do your own part in protecting the environmental health of your community by purchasing one of three specialty plates designed to represent the coastal, central and western regions of the state.

Massachusetts residents can purchase their specialty license plate by visiting: <http://www.mass.gov/rmv/express/plates.htm>

- MassCOSH's work is made possible with support from our members and from:
- The Boston Bar Foundation
 - Boston Foundation
 - Clean Water Action
 - The Clowes Fund
 - Health Resources in Action (through the Mass. Department of Public Health)
 - Herman and Frieda L. Miller Foundation
 - The Hyams Foundation
 - Massachusetts Department of Public Health
 - Massachusetts Attorney General
 - Massachusetts Department of Industrial Accidents
 - Mass Energy (through MassSAVE)
 - Ms. Foundation for Women
 - The New England Consortium
 - Tufts University
 - New Directions Foundation
 - New World Foundation
 - National COSH (Public Welfare Fund)
 - National COSH (through the US Department of Labor)
 - United Way Youth Ventures Fund
 - University of Massachusetts Lowell
 - US Department of Labor
 - US Environmental Protection Agency
 - Viet AID (US Environmental Protection Agency)

Concerned About Worker Safety? Join MassCOSH!

Unions

Less than 100 members	\$115
101 – 500 members	\$250
500 – 2000 members	\$520
Over 2000 members	\$785

Non-profit Organizations No dues

Individuals

Ally	\$ 30
Advocate	\$ 75
Champion	\$150
Movement Builder	\$250
Low income	\$ 10
Extra contributions welcome	\$ _____

Total Enclosed \$ _____

Interested in volunteering?

- I want to join a MassCOSH committee:
 - Legal Health Tech Labor
 - Immigrant Safe Work Teen
 - Research
- I want to get involved in campaigns
- I want to volunteer

MassCOSH members receive:

- Information and resources • Free training workshops •
- Updates on campaigns • Newsletters • Vote for board of directors •

Name _____

Title _____

Union and local # / Organization _____

Address _____

City _____

State _____ Zip _____

Phone _____ Fax _____

E-mail _____

Number of members (if union) _____

Please make payments to MassCOSH and mail to:
 MassCOSH
 1532B Dorchester Ave, Dorchester MA, 02125
 All contributions are tax deductible.



MassCOSH

1532B Dorchester Ave,
Dorchester MA, 02125



RETURN SERVICE REQUESTED

Presorted
First Class
U.S. Postage
P A I D
Boston, MA
Permit No. 54162

JOIN US

**From
6:00-8:30PM
at the beautiful new
Carpenters Center at 750
Dorchester Ave in Dorchester
to celebrate our successes
and continue supporting the
health and safety of all
workers! This year's event is
not to be missed!**

*Get your ticket quickly
and easily online by visiting
our web site at
www.masscosh.org*

The MassCOSH Annual Event

Thursday October 28, 2010 6-8:30pm

Celebrando El Movimiento

Jueves, 28 de Octubre, 2010 6-8:30pm



CELEBRATING THE MOVEMENT

Celebrate MassCOSH award recipients:

*Denise Provost, State Representative ▪ Employees of Dorchester Hotel
Steve Gauthier, IUE/CWA Local 201 ▪ Commonwealth CORI Coalition
Leonard Lee, Mass. Department of Public Health ▪ Matthew Parker, Boston
Center for Youth and Families ▪ Tom Smith, Greater Boston Legal Services*