

# safety

MassCOSH



# net

Fall 2007

MASSACHUSETTS COALITION FOR OCCUPATIONAL SAFETY AND HEALTH

## Attorney General Cites Employers for Child Labor Violations Enforcement A Result of Reforms Won by MassCOSH Teens, Allies

In mid-October, Attorney General Martha Coakley issued citations assessing thousands of dollars in penalties for numerous child labor law violations at the popular concert venue, Tweeter Center for the Performing Arts, in Mansfield. The companies, Live Nation Inc. and Delaware North Companies, were cited for employing minors past 10:00 pm, without work permits, and beyond the maximum daily hour limit in Massachusetts.

The citations are among the first and most substantial issued since the Child Labor Laws were reformed in January of

this year, as a result of strong advocacy by MassCOSH teen peer leaders and their labor and community allies. The reforms gave the Attorney General the authority to issue civil citations. In all, 100 minors were found to be working in violation of the child labor laws at the Tweeter Center, either without work permits or

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Senior peer leaders Samara Walker and Roberto Pimentel after being interviewed by Sean Kelly of WCVB-TV's Team 5 Investigates

## IBEW Lights A Fuse to Curtail Electrical Injuries

George Kuers was fed up. It was bad enough that the IBEW Local 103 safety committee chair had to watch so many of his brothers and sisters suffer the immediate effects from electrical shock. But perhaps even worse was that they also suffered from a wide range of health problems – depression, heart conditions - long after the incident, and no one seemed to be connecting these problems to the initial electrical injury.

"I was in the hospital after my nephew got shocked on the job. I talked to three different doctors with sixty years of medical experience describing three different procedures – yet they weren't even paying attention to the entry and the exit wounds," said Kuers. "Do things the right way from the beginning and you can save a guy's arm or eye."

Kuers decided to get to the root of the problem. Kuers and the leadership of 103 partnered with MassCOSH and the Mass. Department of Public Health to investigate what is known about electrical injuries and whether formal guidelines existed for emergency room treatment. The groups also hoped that by promoting greater awareness of the short- and long- term effects of electrical shock they could not only encourage

improved guidelines for doctors and emergency medical technicians but also mobilize their members to report injuries and press for improved safety measures.

"Throughout the workday, electrical workers face the prospect of life-threatening injury from electrical shock both outside and inside the body," said Doctor Piper Lillard, who conducted the research

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Dear friends,

They appear as different as can be – Samara Walker is a 16-year-old young woman, new to the work world. George Kuers is a guy with over 20 years on the shop floor. But they are united by a shared mission: to make sure that every one of us can go to work and return home with our lives and limbs intact. And they are joined by a common strategy: united we stand, divided we fall.

Samara and George are just two of the faces you'll see and read about in this issue of Safety Net... the faces of men and women, youth and adults, immigrants and US-born, uniting to demand safe work, decent wages and healthy communities.

You'll read about:

- Efforts by George and the leadership of IBEW Local 103 to stem the tide of serious health problems caused by electrical injuries (page 1);
- Successes by Samara and the young peer leaders in strengthening Child Labor enforcement (page 1);
- Campaigns by Teamsters Local 127, SEIU Local 509, and the Mass. AFL-CIO to halt toxic exposures on the job (page 5);
- Worker mobilizing by Jose Lopreto and Flor Correa, who are helping to build a vibrant network of immigrant workers who support and promote organizing for safe, decent working conditions (page 3);

I hope you'll join the many faces that make up MassCOSH at our annual dinner on Thursday, November 29 as we celebrate the victories from the past year and re-dedicate ourselves to the fight for safe, healthy workplaces. If you'd like more information or would like to become involved in any of the issues you read about here, please give us a call.

In solidarity,  
Marcy Goldstein-Gelb

## MassCOSH Staff



From left to right, first row: Marcy Goldstein-Gelb, Tolle Graham, Whitney Soenksen, Isabel Lopez, Ying Tao  
Second row: Mirna Montano, Jonny Arevalo, Jean Carmel St. Juste, Bob Burns, Nancy Luc

MassCOSH is a non-profit organization that advocates for safe, secure jobs and healthy communities in central and eastern Massachusetts  
MassCOSH is a member of Community Works a progressive workplace giving program.

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# “No-Match” Letters Being Used to Harass, Intimidate Workers

Thousands of workers in Massachusetts – and millions nationally – breathed a momentary sigh of relief in early October when a US judge temporarily halted a new federal rule that would have jeopardized their livelihood. The rule required employers to double check the documents of workers with Social Security numbers that didn't match – and fire those who could not resolve the discrepancy in 60 days.

The new Department of Homeland Security (DHS) rule required employers to take action after receiving social security “no-match” letters, sent by the Social Security Administration (SSA) when there is an inconsistency between tax records and what the employer has on file. Mismatches can be caused by common data-entry mistakes, but unscrupulous employers have been using the no-match letter as weapon against workers.

“We have seen a growing number of employers using no-match letters to silence workers who try to speak up for their

## “No-Match” Letters: Know your rights

No-match letters are sent to an employer only because the address the Social Security Administration has is incorrect. The no-match letter states employers are not supposed to discipline or fire you, because of the letter.

- Ask the employer for a copy of the original no-match letter
- Tell the employer that you want a co-worker present in meetings about the letter.
- If you have a union, contact your union representative - you may have rights under your contract.
- You have the right to remain silent and have 90 days to provide documents demonstrating your right to work legally in the U.S.

Get informed and involved – come to the MassCOSH Worker Clinic to learn more about your rights. For more information call 617-825-7233 Ext. 12 or 18.

rights,” said Isabel Lopez, an organizer for the MassCOSH Worker Center. “Employers will use the new rule when they wish to intimidate workers – and ignore it when it suits them.”

The temporary freeze comes as a result of a lawsuit filed in August by the AFL-CIO and several national organizations. In

the lawsuit, the groups charge that the misguided rule violates workers' rights and will cause discrimination against workers who are perceived to be immigrants.

“This is a significant step towards overturning this unlawful rule, which would give employers an even stronger way to

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## Worker Center Builds Power from Experience

Just over a year ago, Jose Lopreto and his co-workers joined forces with MassCOSH and partners to put an end to unsafe conditions and unfair labor practices at the warehouse he had worked in for fourteen years. Having made important gains from the fight, Lopreto and his daughters are at nearly every picket line and rally, supporting other workers fighting for their rights with help from the MassCOSH Worker Center.

“We suffered for years while our employer stole money from our wages and forced us to work in dangerous conditions,” said Jose Lopreto, who serves on the Worker Center's Executive Committee. “Now we are united as a group of workers and that has helped a lot in our quest for justice.”

Lopreto joined the Worker Center when it was first launched in May of 2006, and since then hundreds of workers toiling in warehouses, on construction sites and in abusive restaurants have joined together to fight for their rights and build a powerful voice for to end unsafe working conditions.

Through the MassCOSH Worker Center, participants attend bi-weekly clinics introducing them to their rights, ways they can take action and to other Center members who offer support and encouragement. Workshops offered at ESOL and other adult education programs provide an introduction to workplace safety and worker rights. The Leadership Institute gives Worker Center members the opportunity to develop organizing skills and teaches ways in which they can work to change laws that affect them. The final step is outreach to their co-workers and developing an organizing strategy, which includes union representation if possible.

Enterprise-Rent-A-Car workers came to the Worker Center last year with widespread concerns about wages and working conditions. IUE Local 201 then supported their efforts to organize for a union.

“Worker Centers fill a need for a place for immigrant workers especially to get information on workplace rights. Sometimes this can lead to organizing a union,” said Jeff Crosby, Local 201's president. “They



Workers and supporters participate in an action outside of Enterprise Rent-a-Car earlier this year

are an essential bridge from the community to organized labor, as well as being a direct aid to workers in their own right.”

Flor Correa, vice chair of the Worker Center, volunteers several hours every week reaching out to workers in her neighborhood of East Boston and encouraging them to get involved with the worker center. According to Correa, “MassCOSH taught me my rights. Now I want to learn how to fight for the rights of workers like me.” ■

*To get involved in the MassCOSH's Worker Center, please contact Jean Carmel St. Juste at 617- 825-7233 x12 .*

## IBEW Lights A Fuse to Curtail Electrical Injuries continued from page 1

while on a public health rotation at Mass. Department of Public Health (DPH). "These injuries can involve complicated management in the emergency room. A formal consensus and protocol among ER physicians of how to manage these injuries would benefit the health of injured electrical workers."

According to DPH statistics, 39 workers died by electrocution in Massachusetts from 1991 through 2005. From 2002 through 2005, nearly 1000 workers were treated for electrical injuries in emergency rooms. That, however, is likely to be an underestimate.

Through her research, Doctor Lillard found a wide range of health problems arising from electrical shock including: respiratory arrest, heart conditions, and loss of consciousness. And some conditions may not be visible at first, such as muscle damage, heart conditions, depression and cognitive impairments, including difficulties in concentration, finding the

right words, and with memory.

"Some of these injuries may not appear serious at first but can have long term health consequences," said Letitia Davis, director of DPH's Occupational Health Surveillance Program.

Fueled by Doctor Piper's findings, IBEW Local 103 is developing a card for its members which includes pertinent medical information and some suggested steps for emergency medical technicians. They are also designing a program that educates their members on the potential health risks, encourages reporting, and promotes safety and prevention.

"We hope this project raises a red flag that electrical shocks are no small matter," said MassCOSH executive director Marcy Goldstein-Gelb. "Clearly not only is proper diagnosis and treatment essential but preventive measures so workers don't face the often life-long consequences of these injuries." ■



According to MA DPH statistics, 39 workers died by electrocution from 1991–2005 and nearly 1000 workers were treated for electrical injuries in emergency rooms from 2002–2005.

## Attorney General Cites Employers for Child Labor Violations continued from page 1

beyond hour restrictions.

"We believe that these citations demonstrate why it was so important to give the Attorney General the power to take civil action against employers who violate the Child Labor Laws," said Roberto Pimento, a senior peer leader at Teens Lead at Work. "We hope these fines will prompt companies to comply with the new reforms."

After the new reforms to the Child Labor Laws were passed in January, TL@W peer leaders formed a community-based youth/adult task force to see to it

that the laws are being followed and enforced. As coordinators of the Child Labor Law Task Force, the peer leaders see enforcement as major issue and these citations as the first steps to making the workplace safer for teen workers. Teens need to know their rights at work and need to learn to stand up for those rights and not be afraid of losing their jobs in the process.

"They just feel pressure around their boss because they think their boss is going to fire them, but in reality, your boss can't fire you for speaking up for your rights,"

said Samara Walker, 16, a senior peer leader MassCOSH during an interview with WCVB, channel 5.

At a recent meeting with the Attorney General's office (AGO), the peer leaders discussed ways to ensure that the Child Labor Laws would be enforced and to educate teens, parents, and employers about the new reforms. They plan on having another meeting with the AGO in mid-December as they continue their role as the watch-dog for the Child Labor Law Reforms. ■

## "No-Match" Letters Being Used to Harass, Intimidate Worker continued from page 3

keep workers from freely forming unions," said John Sweeney, AFL-CIO president. "More than 70% of SSA discrepancies refer to U.S. citizens, and as Judge Breyer found, the mailing of the new 'no-match' letters would result in irreparable harm to innocent workers and employers."

"No-match" letters from the SSA were originally developed as a voluntary program to fix errors in the SSA database so

that workers didn't lose out on future SS benefits. Currently employers who receive "no-match" letters are not required to take any action. In fact, there are many innocent reasons for such discrepancies such as clerical mistakes, name changes due to marriage and divorce, and the use of multiple surnames.

"Any time you are dealing with numbers in databases, you will have errors,"

said Lopez. "What DHS is trying to do is take control of an SSA benefits program and use it as an immigration enforcement tool."

*For more information please contact us at 617-825-7233 Ext. 12 or 18. To learn more about this effort and the MassCOSH Workers' Center call 617-825-7233 x18.*

## Unions Build Momentum for Safer Alternatives to Toxic Chemicals

**A**rising call by labor and community groups to prevent harm from toxic chemicals has resulted in progress in the State House and on shop floors. In late October a bill that would create an ongoing state program to promote the substitution of toxic chemicals with feasible, safer replacements is expected to be reported favorably out of committee.

Legislative support for an Act for a Healthy Massachusetts (HB783/SB558) followed months of advocacy and strong testimonials at hearings from a wide range of labor and environmental activists and leaders.

At a packed hearing in July, Tim Sullivan, Mass AFL-CIO legislative director told the committee, "The key issues for us with this bill are simply: health, health care, jobs and quality of life. There is no greater contribution to quality of life than to ensure that people do not get injured, killed or acquire diseases from their work."

With help from the Labor Toxics Use Reduction (TUR) Initiative, a new MassCOSH project, unions across the state are scrutinizing workplace chemicals, products and processes that can cause respiratory illness, cancer and other health hazards.

Teamster Local 27 members working in vehicle maintenance shops for the Mass Highway department got a chance to look at the chemical hazards in their shops and hear about safer alternatives to engine and break cleaners that contain perchloroethylene, one of the targeted chemicals in a recent study from U Mass Lowell Toxics Use Reduction Institute. SEIU local 509's Health and Safety Committee raised issues about indoor air quality and the desire to use safer "green" cleaning products in State office buildings. The Construction Institute for labor management health and safety training wanted more information about the availability of "green" building materials with no formaldehyde or DEHP.

Union health and safety leaders from IUE/CWA local 210 and IBEW 1505 shared strategies for strong union health and safety committees and USW local 1357 met with environmental activists about "good neighbors" strategies for safe and healthy workplaces and neighborhoods in New Bedford.



Tolle Graham presents an award at the Toxics Use Reduction Institute Event at the State House in June.

"As unions take a closer look at what chemicals their members are exposed to, the Toxics Use Reduction approach grows substantially," said Tolle Graham, a MassCOSH health and safety educator/organizer. "By expanding this initiative, we expect to see a substantial impact on the shop floor and in policy." ■

*For more information or to get involved contact Tolle Graham at MassCOSH, 617-825-7233 ext.19.*

## Drive to End Work Zone Deaths, Injuries

**E**ach day state workers hit the streets to repair man-hole covers and inspect bridges. Municipal workers stand guard while utility and street repair teams dig up blacktop and asphalt. Usually these workers are just inches away from often-distracted car drivers. Seven workers have died between 2000 and 2006 working in or around street and highway work zones in Massachusetts, many more were seriously injured.

MassCOSH, in partnership with the New England Consortium (TNEC) and the state of Massachusetts, are working hard to curb the frequency of work zone accidents through a combination of training provided by MassCOSH and TNEC and educational material distributed by the state Division of Occupational Safety.

The trainings and educational information highlight the fact that work zone accidents are preventable. Fatalities and injuries can be halted if proper work zone setup procedures are followed, appropriate safety equipment is used, and workers and employers are adequately trained. Other key safety measures include:

- Accurate layout of work zones
- Proper use of temporary traffic control devices, such as signage and cones, motorist information and speed enforcement
- Use of high visibility clothing.
- Illumination of work zones
- Development and implementation of traffic control plans to coordinate flow of construction vehicles, equipment and workers on foot within the zone.



*For more information or to register, contact Judy Martineau 978-934-3257 (ph)*

*Judy\_Martineau@uml.edu.*

*To register on-line go to:  
[http://www.uml.edu/TNEC/Forms/Register\\_Online.html](http://www.uml.edu/TNEC/Forms/Register_Online.html)*



# MassCOSH Health and Safety Legislative Priorities

The following is a summary of MassCOSH priority bills, all filed in January, 2007.

CALL your legislators today and urge them to support these bills!

To find your legislators go to [www.wheredoivotema.com/bal/myelectioninfo.php](http://www.wheredoivotema.com/bal/myelectioninfo.php)

## Act for a Healthy Massachusetts House Bill 783, Senate Bill 558

Expands the successful Massachusetts Toxics Use Reduction Act program, creating a program to replace toxic chemicals with safer alternatives.

Status: Expected to be moved favorably out of Public Health Committee.

## Acts to Prevent Floor Finishing Fires Senate Bill 185

1. Prohibiting the use and sale of highly flammable floor products

House Bill 2407

2. Requiring certification of floor finishing owners and employees

Status: 1. Currently in Joint Committee on Public Safety and Homeland Security

2. Currently in Joint Committee on Consumer Protection and Professional Licensure.

## Safer Cleaning Products Bill: Senate 1224

Requires schools, hospitals, and other public buildings to use only safer cleaning products.

Status: Currently in Public Health Committee.

## Temp Workers Right to Know:

House Bill 1829, Senate Bill 1062

Stops employers from sending temporary workers off to work without information as to where they are going, the type of work they will do, and their pay rate.

Requires temp agencies to provide basic information and to pay for safety equipment.

Status: Currently in Labor/Workforce Development Committee.

## Public Sector OSHA: House Bill 4451

Extends OSHA health and safety protections to public employees.

Status: Currently in Labor/Workforce Development Committee. Hearing expected sometime between November, 2007 and February, 2008.

## Healthy Schools/Public Buildings:

House Bill 2181

Requires public schools and owners of public buildings to address poor indoor air quality in public buildings by establishing preventative maintenance programs.

Status: Currently in Public Health Committee.

## ASK MassCOSH



QUESTION: My co-workers and I have been experiencing chronic headaches, respiratory infections and other health problems. How do I find out if this is due to the conditions of the building we work in?

MassCOSH says: First you will want to find out if there is a history of indoor air quality (IAQ) problems or previous

complaints at your workplace. Professional environmental investigation can be expensive and you would rather have that money spent on repairs, so get as much documentation and information as you can before going to management!

Next on your checklist is talking with your co-workers about symptoms they may have related to the building. Do the symptoms lessen when they are away from work? Have they documented their concern with a physician? Draw a map of the building to locate problem areas such as leaks, mold, pest droppings or dirty air vents. Document everything you collect or observe.

After gathering as much information as possible, develop an action plan with your co-workers and prepare to meet with management. You may have short-term, inexpensive strategies to start with or there could be longer term more expensive repairs even investigation.

Contact MassCOSH for assistance with addressing IAQ problems.

QUESTION: I was injured while at work, but I was told that it was my fault. Now I have to miss work because of my injury. Am I entitled to Worker's Comp and how do I get it?

MassCOSH says: Workers Compensation is a "no-fault" system: an injured worker is not required to prove who was at fault for the accident that caused the injuries, only that the injuries were related to their employment.

If you have a work-related injury, seek immediate medical treatment. If your employer insists that you see the company's doctor, you can still see a doctor of your own choosing as well.

Also notify your employer of the accident right away, including the time and date of the injury, the location of the injury and how the injury occurred. Your employer must file a First Report Of Injury if you are disabled 5 calendar days or more (date do not have to be consecutive). Copies will be sent to you, the insurer and the state's Department of Industrial Accidents. (DIA). The insurer has 14 days after receiving the First Report Of Injury to decide whether it will pay you or deny your claim.

Contact MassCOSH for further or more detailed information or other resources related to Worker's Compensation..



## Run for the Board

At the helm of MassCOSH is a dozen board members who establish the organization's direction, determine the legislative and campaign priorities, and ensure the organization is meeting its mission. This year at MassCOSH annual event on November 29, MassCOSH members will elect two of the 12 board members.

MassCOSH seeks to ensure that the board reflects the range of individuals that MassCOSH represents: union activists, immigrant workers, injured workers, teachers and other school community representatives, health, safety and legal professionals, and teens.

To learn more about running for the MassCOSH board or voting as a member call Marcy Goldstein-Gelb at 617-825-7233 x15.



MassCOSH organizer Isabel Lopez joins workers, unions in receiving an award at the UMass Dartmouth Labor Education dinner for "responding to the injustices of the immigration raid on Michael Bianco, Inc."

MassCOSH's work is made possible with support from our members and from:

- Boston Bar Foundation
- Boston Foundation
- Boston Public Health Commission
- Clipper Ship Foundation
- Common Stream
- Herman & Frieda L. Miller Foundation
- The Hyams Foundation
- John Merck Fund
- Massachusetts Environmental Trust
- The New England Consortium/UMass Lowell
- Tufts University
- 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) \_\_\_\_\_

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**JOIN US**  
from  
6:00-10:00PM  
at IBEW Local 103  
256 Freeport  
Street, Dorchester  
to celebrate  
our successes  
and continue  
supporting the  
health and safety  
of all workers!

Get your ticket quickly  
and easily online  
by visiting our web site at  
[www.masscosh.org](http://www.masscosh.org)



# CELEBRATING THE MOVEMENT

## MassCOSH 31st Anniversary

THURSDAY, NOVEMBER 29TH, 2007 | 6PM-10PM

La fiesta del aniversario de MassCOSH de 31 años

JUEVES, 29 DE NOVIEMBRE, 2007 | 6PM-10PM



**MassCOSH**

42 Charles Street  
Dorchester, MA 02122