



## 2017 USW Constitutional Convention RESOLUTION

### Resolution No. 15

## Occupational Health and Safety

**WHEREAS**, serious safety and health hazards exist in all workplaces represented by our union, from metals to mining to rubber to energy to paper to chemicals to manufacturing to forest products to healthcare, to education and services; and

**WHEREAS**, forty members of the USW died in workplace accidents in 2015 and 2016. Eighteen supervisors, contractors and other non-members also died. Hundreds more current and retired steelworkers died from workplace diseases caused by exposure to toxic substances. Thousands were injured; and

**WHEREAS**, non-union workers are even more likely to be injured or killed on the job than those who have won the protection of a union contract; and

**WHEREAS**, workers and community residents in the petrochemical, paper and other industries are at risk from potentially catastrophic releases, fires and explosions like the February 2015 explosion at the ExxonMobil refinery in Torrance, California and the recent explosions at International Paper in Pensacola, Florida and Packaging Corporation of America in DeRidder, Louisiana; and

**WHEREAS**, each year more than 4,800 workers are killed on the job in the United States. More than 900 are killed in Canada. An estimated 46,000 more die from occupational diseases; and

**WHEREAS**, in many serious injuries, employers knew the risks, but chose to ignore them, yet were never brought to justice. These employers and other corporations often adopt insulting "blame the victim" programs that fail to address the hazards that are the root cause of safety problems and instead contend that workers themselves are responsible for workplace accidents and disease; and

**WHEREAS**, workers in both of our countries and all our industries have experienced workplace restructuring that exposes them to new health and safety hazards and magnifies the risk of injury and illness from existing hazards; and

**WHEREAS**, work organization factors such as insufficient crew sizes, excessive overtime, lack of maintenance, poor job planning, inadequate attention to safety in technological change, and shoddy job safety analysis contribute to a large number of accidents. These factors are even more critical in workplace restructuring; and

**WHEREAS**, many employers have adopted disciplinary policies which operate to punish workers who report workplace injuries and near misses. As a result of the reprisals workers experience, accidents are often never reported, never investigated, employees work while hurt, medical costs increase, and accident statistics are fraudulent; and

**WHEREAS**, thousands of cases of occupational disease go unrecognized due to inadequate research, lost records and Workers Compensation Board denials; and

**WHEREAS**, the USW's Emergency Response Program sends trained responders to the site of fatal and catastrophic accidents to investigate the causes, and to bring critical services, including advocacy, legal representation, support and counseling, to victims, their families and local unions. The program has responded to almost 200 accidents since the last USW Convention; and

**WHEREAS**, some injuries are caused by defective equipment or products supplied by outside vendors. In such cases, workers should have the right to sue the manufacturers of those products for just compensation; and

**WHEREAS**, progressive health and safety laws in both of our countries continue to be attacked by greedy corporations and their right-wing allies in national, state, and provincial legislatures; and

**WHEREAS**, since the last convention, workers in the United States have won new protections from OSHA and MSHA, including new standards for silica and beryllium, a rule improving pre-shift mine inspections, and action against employer programs that punish workers who report injuries. However, these gains are threatened by a Republican Congress and Administration in Washington; and

**WHEREAS**, in the best of times, OSHA, MSHA and Canadian safety and health legislation and regulations save lives, but the process for setting new progressive standards is long and cumbersome, and the standards for many serious hazards are badly out-of-date. For some leading causes of injury and death, like poor ergonomics and workplace violence, and newly created and unrecognized hazards like engineered nanoparticles, workplace mental health, most jurisdictions have no standards at all; and

**WHEREAS**, it has now been 25 years since the Westray Mine disaster and over 13 years since the Steelworkers won amendments to the Criminal Code of Canada to hold corporations criminally responsible and accountable; and

**WHEREAS**, after years of effort, the USW's "Stop the Killing - Enforce the Law" campaign has finally resulted in a few criminal prosecutions for workplace fatalities caused by employer negligence. However despite our incredible efforts of outreach to educate and bring awareness to the issue, far too many police forces, crown attorneys and prosecutors remain uncommitted and are ignoring the Westray amendments. They are failing to investigate workplace fatalities through a criminal lens which could warrant charges and convictions under the Criminal Code of Canada. Canadian Federal and Provincial Governments are still not demonstrating sufficient political will to enforce the Westray amendments; and

**WHEREAS**, government standards will never be enough. Every USW workplace should have a strong program for finding and fixing hazardous conditions. The TOP program, originally developed by the OCAW, was an important first step. Recognizing that different workplaces may need different programs, the USW has rolled out an expanded program, titled "Looking for Trouble"; and

**WHEREAS**, thousands of workers are routinely cheated out of adequate workers' compensation by regressive laws, policies and outright corporate fraud; and

**WHEREAS**, the Canadian Labour Congress and the American Federation of Labor-Congress of Industrial Organizations have established April 28<sup>th</sup> as a National Day of Mourning and Workers Memorial Day to remember those who have been injured and died on the job, and to renew our commitment to fight for the living. April 28<sup>th</sup> also serves as a day to educate the general public, as highlighted by programs like the USW's innovative Canadian New Worker Awareness Program and education campaign. April 28<sup>th</sup> is increasingly recognized by unions around the world; and

**WHEREAS**, our union has been a leader in representing workers on matters pertaining to workplace health and safety. This is demonstrated by the union's commitment to negotiate strong health and safety provisions in collective bargaining agreements in order to obtain for our members the on-the-job protections they deserve. Better working conditions cannot be won without courageous and committed local union health and safety activists; and

**WHEREAS**, the USW has established the Tony Mazzocchi Center with the mission of bringing safety and health education to our members; an average of 500 members attend such classes every week in the United States. Many additional members enroll in union-led safety and health training in Canada using partners like the Workers Health and Safety Centre; and

**WHEREAS**, the key to achieving strong safety and health protections, whether through collective bargaining or through the legislature, is a strong union. Safety and health are also important to building a strong union.

**THEREFORE, BE IT RESOLVED that:**

- (1)** This convention pledges to reinvigorate our efforts to organize the un-organized so that the health and safety protections of our union may be brought to those who most desperately need them.
- (2)** We call upon all USW members to campaign vigorously and vote for political candidates who will support the cause of health and safety and who will insist that government agencies in the United States and Canada serve the best interests of workers.
- (3)** We pledge unrelenting opposition to corporate and legislative efforts to weaken occupational health and safety laws, regulations, and enforcement in the United States and Canada. We will work for the passage of progressive legislation to better protect worker rights and worker safety. We will also oppose so-called "tort reform," which seeks to take away our members' right to win compensation for injuries caused by dangerous and defective products.
- (4)** We will continue to work for stronger workplace standards.
- (5)** We will redouble our efforts to prevent workplace fatalities and catastrophic accidents.
- (6)** We will continue our Stop the Killing - Enforce the Law Campaign in Canada until the Westray amendments to the Criminal Code are properly enforced and those corporate managers and executives whose negligence is responsible for workplace fatalities and critical injuries are sent to prison.
- (7)** We will continue and expand our efforts to educate our members and health and safety activists in both countries. We will work to ensure that every member knows his or her rights under the contract and the law – especially the right to refuse unsafe work. We will focus much of this effort on young workers and workers new to the union. We will also find additional avenues to educate students, new workers to the workforce and to our countries, and the public in general about safety and health issues as they prepare to enter the workforce.
- (8)** We will continue our efforts to improve and enforce the health and safety clauses of our collective bargaining agreements, including the right to refuse unsafe work, immediate arbitration of health and safety disputes, union access to all relevant information, and an increased role for local union health and safety committees and representatives.
- (9)** We will maintain our support for the efforts of our local union health and safety activists in their daily representation of our members and their efforts to efficiently document, control and eliminate workplace hazards. We will expand our efforts to educate local union health and safety activists and

committee members so that they are able to effectively perform their union duties and respond effectively to current health and safety issues, such as confronting “blame the worker” safety management and the impact of work organization and workplace restructuring on health and safety. We will work to build strong safety and health programs, based on the TOP and Looking for Trouble programs, throughout the union.

- (10)** We will work to promote union goals, values and principles in all our occupational health and safety efforts. We will oppose “safety” programs that assume that worker misbehavior is the primary cause of workplace accidents. This includes our commitment to oppose “safety incentive” programs that assume workers are too stupid to care about their own safety and must be bribed with trinkets. We will insist on safety programs that enlist the skill, knowledge, and commitment of the workforce in finding and correcting hazards. We will continue to assert our strong belief that our members are not the problem – they are the solution.
- (11)** We will actively promote increased research on occupational disease, and will work to establish government databases of worker exposure records, with strong privacy protections. We will work to expand the network of worker-friendly occupational health clinics in the United States and Canada.
- (12)** We will fight to strengthen workers’ compensation and negligence laws. All jurisdictions should increase workers’ compensation benefits for victims and survivors. Loopholes favoring the employer must be closed so that all work-related injuries and occupational diseases are fully compensated regardless of the latency of the injury or disease.
- (13)** We will work to win worldwide recognition of April 28<sup>th</sup> as a day to remember our lost sisters and brothers, and to rededicate ourselves to fight for the living.
- (14)** We will continue to work with other unions in our two countries and around the world, international labor federations, and other progressive organizations in the struggle for safer and healthier conditions for workers everywhere.