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STEWARD UPDATE

STAMP OUT

GERMS



AT WORK!

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Communicable Diseases and the Workplace

(Adapted from *Western NY Labor Today*)

It's cold and flu season again, bringing with it the issue of coming to work sick. People come to work sick for many reasons: perhaps a deadline looms; people with and without union protections may worry about lost wages, fear jeopardizing their jobs, be concerned about appearing lazy or feel obligated not to let their colleagues down.

Unfortunately, the workplace can be an incubator for diseases. Some diseases we bring into the workplace ourselves, some arrive with the people we serve (clients, students, patients, visitors). We might acquire some from travel, and some we “grow at the workplace.” Sometimes we don't even know that we have an infection—it may have no symptoms or be very mild. Equally concerning is that when we share diseases at work, others take them home to families—including children or the elderly. Some people may be especially at risk of infection. Susceptible or high-risk individuals include those who are immunosuppressed from serious conditions like cancer, HIV, organ transplants, or autoimmune disorders.

Looking out for one another and the group as a whole is always a steward's job. In addition to your contractual protections for sick time, here are some things to consider to foster a culture in your workplace and in your community of staying home when you're sick.

Promote and ensure everyone knows your workplace sick leave policy to promote staying home when sick, and advocate for paid sick leave policies in your town, city or state. Such policies should be non-punitive. Critics of paid sick time have argued that it could lead to a loss of jobs and impose a major cost burden on employers, especially small businesses, as well as invite widespread abuse by employees. However, this was not the case in New York City which became the

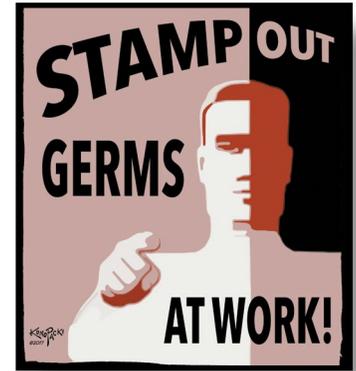
seventh—and the largest—U.S. jurisdiction to provide workers with paid sick days, with the passage of the Earned Sick Time Act, which took effect in April 2014. Under this law, covered workers employed in New York City private-sector companies and non-profit organizations with five or more employees accrue job-protected paid sick leave at a rate of one hour for every 30 hours worked. It doesn't supersede better protections enjoyed by union workers, but since most workers are not in unions, the new law extended sick leave to about 1.4 million workers.

A year and a half after the law took effect, a study of the law's effects has shown that, by their own account, the vast majority of employers were able to adjust quite easily to the new law, and for most the cost impact was minimal to nonexistent. Of the employers surveyed, 86 percent expressed support for the paid sick days law.

Encourage vaccinations: Prevention through vaccination is available for many diseases and is required for some occupations. The Centers for Disease Control has general recommendations for vaccinations for the public and for those considered at high risk. You can encourage seasonal and other vaccinations among your coworkers by organizing a vaccination day at your union hall, posting information about nearby vaccination sites, and encouraging people to learn what's covered by your health insurance, if your contract mandates employer-paid or –contributed health insurance.

Engineering controls: Touch-free designs for toilets, faucets (up to 70% water savings), and soap/foam dispensers can go a long way toward eliminating some commonly-touched items.

Good handwashing technique: Wash hands with soap and warm water for 15-20 seconds (this is long enough to sing Happy Birthday twice), use a disposable



towel to dry the hands, and then use the towel to turn off the faucet, then throw out the towel. Even better if you can use the paper towel to open the restroom door and then discard.

Regularly clean the commonly-touched environment: faucets, sinks, toilets, door handles, stair rails, buttons for the elevator and the ATM, shared phones, chairs, work surfaces, keyboards, etc. But, note that some objects that we commonly handle, like paper, can't be disinfected.

Report vomiting/diarrhea in restroom: then have mandatory closure of the restroom until it can be cleaned.

Respiratory etiquette: Do a Dracula—cough or sneeze into the elbow, rather than the hand.

Instead of shaking hands: rub elbows, or bump fists. If someone wants to shake hands, tell them “I'm dealing with a bad cold (or whatever), so I'm not shaking hands today.”

Don't forget to disinfect your cell phone: Studies of the mobile phones of hospital staff have found significant bacterial contamination (one study showed 98% of the phones contaminated), including MRSA and pathogenic forms of E. coli. Unfortunately, these studies indicate that only a minority of people reported cleaning their phones routinely; even fewer utilized antiseptic wipes to clean their phones.

Your union or local or state occupational health and safety administration office may have additional resources for you.

—Nellie J. Brown, MS, CIH. The writer is director of workplace health and safety programs at the Worker Institute, Cornell University's School of Industrial and Labor Relations.

Breathing Easier

On September 11, 2001, millions watched as the twin towers of the World Trade Center collapsed under terrorist attack. Air samples taken in the weeks and months that followed revealed that the mushroom cloud of dust that covered Lower Manhattan contained elevated levels of sulfur, silicon, titanium, cadmium, and nickel. Many samples also showed asbestos and fiberglass. This unprecedented contamination and its harrowing effects have raised public awareness about air quality, but most people in the U.S. and Canada are surprised to learn that indoor air pollution in buildings throughout North America is often worse than pollution outside.

U.S. Environmental Protection Agency (EPA) studies of human exposure to air pollutants indicate that indoor air levels of many toxic substances may be two to five times — and, occasionally, more than 100 times — higher than outdoor levels. Since it's estimated that most people spend as much as 90 percent of their time inside their workplace, home or school, there is good reason for stewards to become familiar with pollution sources and how to help co-workers breathe easier.

Recognize Symptoms

Stewards should be familiar not only with the sources of indoor air problems, but with the health symptoms that can result from exposure, since it is likely that if one worker is sick from polluted indoor air, others are likely to follow. Among the common symptoms and illnesses are: eye, nose, throat, and upper respiratory irritation, rashes, chills, fever, cough, chest tightness, congestion, sneezing, runny nose, muscle aches, asthma and pneumonia.

When the cause of symptoms is hard to trace, the phenomenon has been labeled “sick building syndrome.”

There are two types of contaminants at play indoors: manufactured products, like carpets, light fixtures, cleaning fluids, copy machines and the glue in wood

furniture; and biological contaminants, like mold, pollen and bacteria, that result from water damage to roofs, ceilings, walls, floors and furnishings.

Laws and regulations are not much help in solving indoor air quality problems. There is no federal OSHA standard regulating indoor air, and California and New Jersey are the only states with a standard. In Canada, provincial enforcement agencies have had limited success in using a “general duty clause” to cite employers for failing to ensure healthy indoor air, but there is no specific standard.

Whether a manufactured product or biological contaminant, the overall approach to improving air quality remains the same:

- Ensure an adequate supply of outside air.
- Eliminate or control known and potential sources of chemical and microbial air contamination.

What can stewards do? First, they can document health and building problems:

- Review the employer's OSHA-required Log of Injuries and Illnesses.
- Conduct a survey of workers to determine common symptoms and how many workers are affected, as well as when, where and how they are exposed.
- Review building operations and maintenance procedures to determine the chemicals being used.
- Determine if new furnishings—which may emit formaldehyde and other toxins—have been recently installed.
- Conduct a walk-through inspection to evaluate possible contaminant sources, including water-damaged walls, ceilings and carpets that can spawn mold growth.
- Inspect under-window ventilation units in classrooms and central heating, ventilation and air conditioning (HVAC) systems, and check the schedule for cleaning any air filters.

Note that air sampling for specific toxic substances is not recommended as a first step in solving problems. Such testing is expensive to conduct and often open to

“interpretation” — that is, management manipulation. However, measurement of temperature, humidity, and carbon dioxide (CO₂), are often useful. Temperature should be between 68 and 79 degrees Fahrenheit and humidity between 30 and 60 percent. Levels of CO₂ above 1,000 parts per million (ppm) indicate that not enough fresh air is being provided by the ventilation system.

Possible Action Steps

After documenting the problem, stewards can suggest a variety of action steps:

- Form a health and safety committee to monitor conditions in the workplace.
- Negotiate health and safety language.
- File grievances regarding unsafe conditions using existing contract language. If indoor air quality becomes oppressive, stewards may want to consider a mass grievance strategy, whereby the broader impacts of contamination are addressed by many workers, not just the health symptoms of one worker.
- Demand health and safety training.
- If all else fails, remember the media. If an air quality problem has been identified, and the employer has been notified but no improvement has been made, consider contacting local news outlets. Work with your union leadership on this. The key to solving problems is sticking with it — and getting help. Health and safety departments of many unions and Committee on Occupational Safety and Health (COSH) groups have developed fact sheets, surveys and other information about indoor air quality. The U.S. EPA's web site provides valuable information at www.epa.gov/iaq/index.html. The New York Committee for Occupational Safety and Health (NYCOSH) site provides information at <http://nycosh.org/?s=indoor+air+quality>.

—Jim Young, The writer is a veteran workplace health and safety specialist.

How Unions Won Health and Safety Protections: Lessons from History

At the beginning of the twentieth century, writer Upton Sinclair investigated the miserable working conditions that prevailed throughout the meat industry in Chicago, where large numbers of European immigrants and a growing number of African American migrants worked elbow-to-elbow with knives, cleavers, and axes, under a constant speedup. To bring to light this hazardous situation with its heavy toll in injuries and illnesses, Sinclair in 1906 published a realistic novel, *The Jungle*. The shocked political response was immediate and decisive. Congress quickly passed two major pieces of reform legislation. Neither, unfortunately, dealt with workers' safety. Instead, the possibility that a consumer might be chewing on a severed human finger led to the Meat Inspection Act and the Pure Food and Drug Act. Sinclair disgustedly declared, "I aimed at the public's heart, and by accident I hit it in the stomach." On their own, sympathetic outsiders like Upton Sinclair could not bring enough political pressure to force progressive change.

The federal Occupational Safety and Health Act passed in 1970, not in 1907. Although this law to make and enforce rules to protect American workers from major hazards came into existence for several reasons, no factor was greater than the militant mass action of rank-and-file workers and their local union leaders. Management viewed with alarm the prospect of any real limits on its right to determine working conditions on its property. In a classic confrontation of property rights versus human rights, a spiral of conflict beginning in the Appalachian coalfields resulted in a landmark progressive reform.

By the late 1960s, countless coal miners had been disabled by incurable respiratory disease caused by long-time exposure to mine dust. Yet winning a

workers' compensation claim for the ailment commonly known as black lung was virtually impossible. In West Virginia, the leading coal-producing state, long-festering resentment among members of the United Mine Workers of America finally exploded in early 1969, fed in part by a few renegade doctors not controlled by the coal operators. When proposed amendments to broaden compensation eligibility stalled in the state legislature, a mass uprising broke out. Work stoppages spread contagiously, involving roughly 40,000 miners and effectively shutting down production. Large demonstrations repeatedly besieged the state capitol in Charleston; thousands of protesters paraded with black coffins and packed the galleries in the legislative chamber. After weeks of sustained collective action, the politicians finally put through the desired changes. It was arguably the largest and most important political strike in American history.

The West Virginia revolt generated strong momentum for remedial action on the national level. The unrest in the coal industry resonated with the general turbulence in American society at that time, intensifying the anxieties of lawmakers in Washington. The miners' demands on Congress included not only a black-lung benefits program but also a preventive initiative under which the federal government would set and enforce stricter limits on dust exposure, replacing the weak, long-standing state regulatory system. Before the year was over Congress had approved legislation incorporating these demands. When President Richard Nixon balked at signing the bill, strikes again erupted in numerous mining areas. The miners forced Nixon to accept the Federal Coal Mine Health and Safety Act of 1969, a major advance in this especially dangerous industry.

The federal takeover of coal-mine regulation paved the way for similar reforms

for the entire workforce. Together with a number of other factors, the setting of such a strong precedent of federal responsibility for assuring safe and healthful working conditions helped break the stalemate in Congress on this issue. In 1970, the Occupational Safety and Health Act committed the U.S. to providing workers with a place of employment free from significant safety and health hazards. The law that workers fought for and won almost half a century ago has brought important safeguards.

Facts and tips for talking about OSHA for stewards:

- OSHA has saved more than 75,000 lives. The rate at which Americans are killed on the job is half what it was before 1970.
- OSHA standards have greatly reduced serious threats like asbestos and lead. Enforcement has targeted notoriously unsafe places like meat-processing plants.
- Health and safety in the workplace has always depended on activism by workers at every level—from addressing risks at the workplace to lobbying Congress and the President for better laws.
- OSHA protects the approximately 89% of U.S. workers who do not have union protections. It's necessary but not sufficient: many workers would be much safer with more robust inspections, better safety rules for industry and employers, and other protections such as paid sick leave.
- Just as winning these protections depended heavily upon forceful agitation by at-risk workers themselves acting in solidarity, it will be equally the case that defending this system in the current political climate will depend heavily upon workers' activism.

—Alan Derickson is a Professor Emeritus of Labor Studies and History at Penn State University. His research centers on the health problems of working-class life in the United States since the nineteenth century.

Discrimination: A Health and Safety Issue

It might seem counterintuitive to think of big, society-wide problems as concrete as a workplace-specific health and safety concern. But many prominent researchers, activists and others are thinking creatively about how to apply union-negotiated and government-mandated health and safety protections to protect the most vulnerable workers. These are tools that you, as a union steward, can use to ensure everyone in your workplace has safe and healthy conditions.

Most collective bargaining agreements explicitly prohibit discrimination, and racial and sex-based discrimination in the workplace are against the law in the U.S. and in Canada.

Nonetheless, workers of color, immigrant workers, and LGBTQI* workers face challenges that others do not. For example, in the last few months, nooses were found in and around workplaces in Brooklyn, NY and Oakland, CA. Nooses are widely understood to be a hate symbol against Black people, representing the Ku Klux Klan and the terror of lynching which resulted in the murder of nearly 5,000 people. In Brooklyn, a noose was found hanging outside a library, where staff are AFSCME members, and the other outside the Brooklyn Museum, currently hosting an exhibit on lynching.

After a second noose in two weeks was found at the Port of Oakland, members of International Longshore and Warehouse Union Local 10 walked off the job. “We believe it’s a bona fide health and safety issue because of the history behind the noose and what it means for Black people in America,” Derrick Muhammad, the union’s secretary-treasurer, told the East Bay Times after the walkout. “This is a

dangerous occupation already. This adds something that totally makes people feel uneasy, makes people feel unsafe and it’s distracting. We need our people to be as focused as possible.” The union there is spearheading the investigation to find the culprit; the employer also made a statement condemning the act.

Teachers are reporting a sharp increase of hate speech and acts in their classrooms,

as well as fear on the part of their immigrant, Muslim, and other vulnerable students, according to a report last year. Joy Bock, a member of the Ohio Education Association, said that during the election a student—born in the U.S. to Peruvian parents—worried she would be deported. “Now all of my students are worried that

she will be sent ‘back.’ This very real anxiety and fear I work to calm on a daily basis is not an isolated incident,” Bock noted.

Nonetheless, with the increase of violence, divisiveness and hateful political acts making the news, what can a steward do? Here are four ideas:

1 Prepare: Review your contract language—especially the health and safety and discrimination language. Ensure your employer is compliant, that health and safety protections and protocols are accessible to everyone (for example, are available in all languages spoken by your members), and that you know what to do in the event something like a noose is placed at a jobsite.

2 Address directly any instances of hate speech, slurs, etc. with strong messages about the value and importance of solidarity. According to a 2009 national study, “negative interpersonal experiences

in the workplace, such as harassment, have negative effects on mental health above and beyond the effects of other types of job stressors.” This is pretty straightforward—but, it’s alarming to note that the study found that such harassment correlates with assault at work, and that Latino/a workers are at the highest risk. Our publication has tips and resources at <http://unionist.com/upstander>.

3 Pay close attention to issues of community safety and participate in union-wide efforts to address them. After Teamsters Local 813 member Eber Garcia Vasquez was deported, the local became a “sanctuary union,” which, according to a statement issued by the union, means the union pledges to not cooperate with ICE, and to not collect information that could be used in immigration proceedings. It also holds Know Your Rights trainings and shares legal services with immigrant members. It will seek to bargain provisions to protect undocumented workers in its labor contracts with employers.

4 Promote a culture of solidarity. A hallmark of union actions against racism—from the participation of the Painters’ International Union in the March Against White Supremacy, to the NFL Players Association honoring unemployed quarterback Colin Kaepernick with the Week One MVP award—is that they have organized with a message of solidarity across race and occupation. As the NFLPA said: “No man or woman should ever have to choose a job that forces them to surrender their rights. No worker nor any athlete, professional or not, should be forced to become less than human when it comes to protecting their basic health and safety.”

—Dania Rajendra. The writer is director of Union Communication Services.

Certain workers face challenges that others do not.

* Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex

OPEIU Steward Update is a bi-monthly newsletter for the information and education of OPEIU's dedicated stewards.

What to Do If a Member is Called in for an Investigatory Interview

If you or any of your members are called in for an investigatory interview with management or security personnel, here are a few guidelines to keep in mind:

The member should ask whether he/she is going to be asked questions, and if it could possibly lead to discipline. Why? Because if a member believes he/she could be disciplined, even if management isn't clear about it, he/she has the right to ask for a shop steward to be present in the interview with them before answering any questions. It's called Weingarten Rights. If the steward isn't available, a member may ask for management to wait until the steward is available (if it's not an emergency), or can ask a coworker to come in as his/her witness.

How can the steward help? The steward can give the member advice on how to answer questions and can keep management or security from bullying or going overboard during the interview. The steward can interject information or correct misinformation. The steward or coworker is also a witness, which is very important when there is a difference in what management thought was said and what the

member thought transpired. Stewards also can stop the member from losing his/her temper and being insubordinate.

Does the member have to write a statement if management tells them to? No! The member or the steward should make clear that the member will cooperate by answering questions, but will not write things down. After the questioning, the member should write down what happened for his/her own notes so that details aren't forgotten.

Can a member change his/her mind and ask for a shop steward if he/she thinks they need to? Yes! A member can ask management to stop and request his/her steward at that time.

Stewards in open shops, keep in mind that under the law you have the same obligation to represent a non-dues paying member in the unit as you do a full dues-paying member.

This information is meant only as a guideline. For more detailed information on this issue, check "The Legal Rights of Union Stewards" by Robert Schwartz, Work Rights Press.



AFL-CIO, CLC