

WORKERS MEMORIAL DAY TOOLKIT

2017

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SAMPLE TALKING POINTS FOR WORKERS MEMORIAL DAY 2017

- Today—in cities, towns, union halls, at worksites and memorials, and in community after community—we gather to remember our brothers and sisters who have lost their lives and to fight for safe workplaces and good jobs for all workers.
- Each year on Workers Memorial Day, working people throughout the world remember those who were hurt or killed on the job and renew our struggle for safe workplaces.
- Since the job safety laws were passed more than four decades ago, we've made great progress in making workplaces safer and protecting workers. Fewer workers are being killed on the job.
- This progress didn't just happen because laws were passed. It happened because workers and their unions organized, fought and demanded action from employers and their government.
- Virtually every safety and health protection on the books today is there because of working men and women who joined together in unions to win these protections.
- It is working people, through their unions, who demanded and won stronger standards to protect workers from asbestos, benzene and other hazards.
- After nearly two decades, we won a huge victory when OSHA issued a new silica standard to protect workers. Silica dust is a killer that causes silicosis—a deadly lung disease that makes it impossible to breathe. This new rule will save hundreds of workers' lives each year.
- We made other great strides under the Obama administration. OSHA and MSHA toughened enforcement for serious violations, particularly for employers that repeatedly violate the law.
- The safety agencies strengthened whistleblower protections and made clear it's illegal for employers to retaliate against workers for reporting injuries or raising job safety concerns, and stepped up enforcement for these illegal actions.
- All those victories and the future of all safety and health protections going forward are in serious jeopardy under the Trump administration.
- A new executive order stating that for every new protection, two existing safeguards must be removed, is dangerous and a slap in the face to working people. The Republicans in Congress and President Trump already have repealed an OSHA rule that requires employers to keep accurate records of job injuries. The president is seeking to slash the Department of Labor's budget—including eliminating worker safety and health training programs.

- Now more than ever, we have to stand up to protect our hard-won gains and fight to make jobs safer and save lives—not just for union members, but for all workers.
- Each and every day in this country, an average of 13 workers die on the job as a result of workplace injuries—women and men who go to work, never to return home to their families and loved ones.
- In 2015, more than 4,800 workers were killed on the job. But that is only a part of the deadly toll. Each year, 50,000–60,000 workers die from occupational diseases caused by exposures to toxic chemicals and other health hazards. That’s a total of 150 workers dying each and every day.
- Here in our state, [###] workers lost their lives at work. *[Tell a story about the death of a worker from your state or area].*
- Today, we remember all of them—those who have died and the millions who have been sickened or disabled because of their jobs.
- These tragedies and deaths could have and should have been prevented. These workers did not have to die.
- Workplace violence is a growing threat, particularly for women workers in health care and service jobs. Tens of thousands of health care workers are assaulted on the job every year, suffering severe injury and even death.
- Latino workers—particularly undocumented immigrant workers—face great danger. They work in some of the most dangerous jobs, often with little or no protection, and have a much higher risk of being killed on the job.
- We must fight back. We simply cannot and will not let politicians and corporations put workers in danger, drive down wages and destroy our communities.
- We must educate workers and union members about these threats, and mobilize and organize to preserve these hard-won gains. We must work to elect candidates who support workers’ right to join a union and the right to a safe job and fair pay for a day’s work.
- On this Workers Memorial Day, we remember and pay tribute to those who have lost their lives on the job or who have been injured or made sick. We call for an end to the unnecessary deaths of our brothers and sisters, and action on job hazards that kill and maim.
- And on this day, we pledge to fight for safe jobs, economic security, opportunity and a better life for all.
- Mourn for the Dead. Fight for the Living!

SAMPLE WORKERS MEMORIAL DAY EVENT ADVISORY

Media Advisory for [DATE]

Contact: [NAME, PHONE NUMBER]

Workers, Labor Leaders and Community Members to Commemorate [STATE] Workers Who Lost Their Lives on the Job

[STATE] Working Families Call for Further Safety Measures at All Workplaces

[CITY, STATE]—On [DAY], local workers, officials and faith leaders will gather at [LOCATION] for a [VIGIL/CEREMONY] to honor workers who have died or suffered illness or injuries on the job. [PROVIDE DETAILS ON THE EVENT]

This year is particularly daunting as the Trump administration attempts to roll back or block regulations that protect workers from serious hazards like toxic silica dust, chemical explosions and workplace violence, and to slash the job safety budget.

Injured workers and the relatives of workers who lost their lives on the job will share their stories at the [VIGIL/CEREMONY] and renew the fight for stronger protections for workers across the country. [EVENT] attendees will highlight how President Trump’s new order requiring two existing safeguards be removed for every new protection enacted is dangerous and a slap in the face to working people.

WHAT: [EVENT] to commemorate Workers Memorial Day

WHEN: [DATE AND TIME]

WHERE: [ADDRESS]

WHO: [FAITH LEADERS/LABOR LEADERS/WORKERS/LOCAL ELECTED OFFICIALS]

###

SAMPLE WORKERS MEMORIAL DAY EVENT RELEASE

For Immediate Release

Contact: [NAME, PHONE NUMBER]

New Report Shows [#] [STATE] Workers Lost Their Lives on the Job

Working Families Honor Local Workers at Workers Memorial Day [VIGIL/CEREMONY]

[CITY, STATE, DATE]—Local workers, officials and community members gathered at [LOCATION] on [DATE] for a Workers Memorial Day [VIGIL/CEREMONY] to commemorate workers who have died or suffered illness or injuries on the job. They also highlighted how a new presidential order stating that for every new workplace protection, two existing safeguards must be removed, is dangerous and a slap in the face to working people. [PROVIDE DETAILS ON EVENT]

Many workers are exposed to toxic chemicals like silica and beryllium, and face other serious safety hazards at their workplaces. The most recent data from the Bureau of Labor Statistics shows that [#] workers were killed in [STATE] in 2015, and many more suffered from preventable, occupational diseases.

“Workplace safety should be a right for every worker, and we will fiercely fight for workplace protections,” said [NAME, TITLE]. “Our hardworking men and women dedicate themselves to their jobs every day and deserve to return home safely to their loved ones at the end of the day. Yet families of [STATE] workers are left to mourn their loved ones who have died from job injuries and illnesses that are totally preventable.”

[EVENT] attendees also emphasized this year is particularly daunting as the Trump administration attempts to roll back or block regulations that protect workers from serious hazards, like deadly silica dust, chemical explosions and workplace violence, and to slash the job safety budget.

“Far too many elected leaders and business groups are actively blocking commonsense protections that would keep workers safe on the job,” said [NAME, TITLE], local community/faith leader. “They continue to put profits over safety and health, and workers continue to suffer injuries and even death. Working people deserve good, safe jobs now.”

###

SAMPLE WORKERS MEMORIAL DAY LETTERS TO THE EDITOR

To the Editor,

It is hard to believe, but every day 150 workers are killed by job injuries and illnesses. This year alone, [XX] workers died in [STATE] from preventable injuries, and hundreds more from work-related diseases. Every year on Workers Memorial Day, working people in America gather to commemorate those who have lost their lives due to workplace injuries and illnesses and to demand stronger safety protections on the job.

Every year, thousands of workers continue to suffer from exposure to hazards like silica dust and other workplace toxins. These exposures are unnecessary and can be controlled with commonsense measures. But Big Business again puts profits over workers' safety. This has to stop.

Despite this alarming reality, the Trump administration is making it easier for corporations to get away with putting workers' lives in danger, by rolling back or blocking regulations that protect workers from serious hazards, infectious diseases and workplace violence.

It is time for lawmakers to put workers first and do more to ensure that job safety regulations are strengthened and enforced—not dismantled.

This Workers Memorial Day, [STATE] working families are standing up and calling on Congress to ensure safe workplaces for everyone.

Sincerely,

Name
Address

To the Editor,

More than four decades ago, workers and their unions fought and helped pass some of the most important workplace safety laws in history. As a result, fewer working men and women are being killed on the job today. But every day, 150 workers still die because of job injuries and illnesses that can and should be prevented.

Nearly every safety and health protection law on the books today is there because of working families who joined together in unions to win these protections. It is working people who, through their unions, won passage of the mine safety law and the Occupational Safety and Health Act, and demanded and won stronger standards to protect workers from asbestos, benzene, silica dust and other hazards.

The gains we've made now are in danger amid deep funding cuts proposed by the Trump administration. Furthermore, the administration is ordering that two protective regulations must

be cut for every new one implemented. That means corporations putting excessive profits ahead of safety, less protection for workers, and more needless injuries and deaths in our communities. Simply put, it's a slap in the face to working people. And we won't stand by and watch.

On April 28, Workers Memorial Day, we will come together to remember workers killed and injured on the job, and renew the call for an end to the unnecessary deaths of our fellow workers, family and friends.

Sincerely,

Name
Address

To the Editor,

For many American workers, wages are staying flat or falling, and making ends meet is harder than ever. Every day, working men and women go to work and risk their lives in an unsafe work environment in pursuit of a paycheck that barely pays the bills. And every day, 150 workers, killed by job injuries and illness, never come home.

Low-income workers and undocumented immigrants are especially vulnerable to unsafe workplaces, and face higher rates of fatality and workplace injury. We must educate, mobilize and organize union members and community allies to demand fair pay and good benefits for all workers, and stronger safety and health protections to save workers' lives.

So on April 28, Workers Memorial Day, we honor our brothers and sisters who lost their lives on the job and call on Congress to help create good, safe jobs that pay a living wage for every worker in the United States.

Sincerely,

Name
Address

SAMPLE LATINO WORKERS MEMORIAL DAY EVENT ADVISORY (ENGLISH)

Media Advisory for [DATE]

Contact: [NAME, PHONE NUMBER]

Latino Working People, Labor Leaders and Community Members to Commemorate [STATE] Workers Who Lost Their Lives on the Job

[STATE] Latino Working Families Call for Further Safety Measures at All Workplaces

[CITY, STATE]—On [DAY], Latino workers, officials, community and faith leaders will gather at [LOCATION] for a [VIGIL/CEREMONY] to honor workers who have died or suffered illness or injuries on the job. [PROVIDE DETAILS ON THE EVENT]

This year is particularly daunting as the Trump administration attempts to roll back or block regulations that protect workers from serious hazards like toxic silica dust, chemical explosions and workplace violence, and to slash the job safety budget. Latino and immigrant workers will be especially vulnerable to these changes.

Injured workers and the relatives of workers who lost their lives on the job will share their stories at the [VIGIL/CEREMONY] and renew the fight for stronger protections for workers across the country. [EVENT] attendees will highlight how President Trump's new order requiring two existing safeguards be removed for every new protection enacted is dangerous and a slap in the face to working people.

WHAT: [EVENT] to commemorate Workers Memorial Day

WHEN: [DATE AND TIME]

WHERE: [ADDRESS]

WHO: [FAITH LEADERS/LABOR LEADERS/LATINOWORKERS/LOCAL ELECTED OFFICIALS]

###

SAMPLE LATINO WORKERS MEMORIAL DAY EVENT ADVISORY (SPANISH)

Aviso de prensa para [DATE]

Contacto: [NAME, PHONE NUMBER]

**Gente trabajadora latina, líderes sindicales y miembros de la comunidad conmemorarán
trabajadores de [STATE] que han fallecido en sus lugares de trabajo**

*Familias trabajadoras latinas de [STATE] llaman a que se implementen medidas de seguridad
en todos los lugares de trabajo*

[CITY, STATE]—Este [DAY], trabajadores latinos, funcionarios, y líderes religiosos y comunitarios se reunirán en [LOCATION] para una [VIGIL/CEREMONY] cuyo propósito es honrar a los trabajadores que han muerto o sufrido de enfermedades o lesiones en sus lugares de trabajo. [PROVIDE DETAILS ON THE EVENT]

Este año es particularmente importante desde que el gobierno de Trump trata de quitar o de bloquear las regulaciones que protegen a los trabajadores de peligros serios como el mortal polvo de sílice, explosiones químicas y la violencia en los lugares de trabajo, como también recortar el presupuesto para la seguridad laboral. Los trabajadores latinos e inmigrantes son particularmente vulnerables a esos cambios.

Gente trabajadora que ha sufrido lesiones y parientes de los trabajadores que han fallecido en sus lugares de trabajo relatarán sus historias en [VIGIL/CEREMONY] y reanudarán su lucha por protecciones más fuertes para los trabajadores a través de todo el país. Los asistentes del evento subrayarán como una nueva orden del Presidente Trump que requiere que cada nueva protección en los lugares de trabajo se deben eliminar dos salvaguardias es peligroso y una ofensa para la gente trabajadora.

QUÉ: [VIGIL/CEREMONY] en observación del Día de Conmemoración de los Obreros Caídos

CUÁNDO: [DATE AND TIME]

DÓNDE: [ADDRESS]

QUIÉN: [TRABAJADORES Y FAMILIAS LATINAS/LÍDERES
SINDICALES/FUNCIONARIOS ELECTOS/LÍDERES RELIGIOSOS]

###

SAMPLE LATINO WORKERS MEMORIAL DAY EVENT RELEASE (ENGLISH)

For Immediate Release

Contact: [NAME, PHONE NUMBER]

New Report Shows [#] [STATE] Latino Workers Lost Their Lives on the Job *Latino Working Families Honor Local Workers at Workers Memorial Day* *[VIGIL/CEREMONY]*

[CITY, STATE, DATE]—Local Latino workers, officials and community members gathered at [LOCATION] on [DATE] for a Workers Memorial Day [VIGIL/CEREMONY] to commemorate workers who have died or suffered illness or injuries on the job. They also highlighted how a new presidential order requiring two existing safeguards be removed for every new protection enacted is dangerous and a slap in the face to working people, especially for Latino and immigrant workers who are more vulnerable. [PROVIDE DETAILS ON EVENT]

“Workplace safety should be a right for every worker, and we will fiercely fight for workplace protections,” said [NAME, TITLE]. “Our hardworking men and women dedicate themselves to their jobs every day and deserve to return home safely to their loved ones at the end of the day. Yet families of [STATE] workers are left to mourn their loved ones who have died from job injuries and illnesses that are totally preventable.”

Many workers are exposed to toxic chemicals like silica and beryllium, and face other serious safety hazards at their places of work. The most recent data from the Bureau of Labor Statistics shows that [#] Latino workers were killed in [STATE] in 2015, and many more suffered from preventable, occupational diseases.

“Immigrant workers have a disproportionate rate of injuries, illnesses and fatalities in the workplace largely because they work in dangerous industries, may be particularly vulnerable due to their immigration status, and may be subject to employer exploitation,” said [NAME, TITLE].

[EVENT] attendees also emphasized that this year is particularly daunting as the Trump administration attempts to roll back or block regulations that protect workers from serious hazards, like deadly silica dust, chemical explosions and workplace violence, and to slash the job safety budget.

“Far too many elected leaders and business groups are actively blocking commonsense protections that would keep workers safe on the job,” said [NAME, TITLE], local community/faith leader. “They continue to put profits over safety and health, and workers continue to suffer injuries and even death. Working people deserve good, safe jobs now.”

###

SAMPLE LATINO WORKERS MEMORIAL DAY EVENT RELEASE (SPANISH)

Para divulgación inmediata

Contacto: [NAME, PHONE NUMBER]

Nuevo reporte muestra que [#] de gente trabajadora latina en [STATE] falleció en su lugar de trabajo

Las familias trabajadoras latinas honran a trabajadores locales durante [VIGIL/CEREMONY] por el Día de Conmemoración de los Obreros Caídos

[CITY, STATE, DATE]—Gente trabajadora del área, funcionarios y miembros de la comunidad se reunieron este [DATE] en [LOCATION] en una [VIGIL/CEREMONY] cuyo propósito fue el de conmemorar a los trabajadores que han fallecido o sufrido enfermedades o lesiones en su lugar de trabajo. También subrayaron como una nueva orden presidencial que declara que por cada nueva protección en los lugares de trabajo se deben eliminar dos salvaguardias, es peligroso y una ofensa para la gente trabajadora, especialmente para los trabajadores latino que son los que tienen más que perder.

“La seguridad en los lugares de trabajo debe ser un derecho para todos los trabajadores y seguiremos luchando con intensidad por las protecciones en los lugares de trabajo”, indicó [NAME, TITLE]. “Nuestros trabajadores y trabajadoras trabajan duro y con devoción diariamente y se merecen regresar a sus hogares con la misma salud que se fueron a sus trabajos para estar junto con sus seres queridos. Aun así las familias de [STATE] tienen que velar a sus seres queridos que han muerto por lesiones y enfermedades ocupacionales que son totalmente prevenibles”.

Muchos trabajadores son expuestos a químicos tóxicos como el silicio, el berilio y enfrentar otros peligros de seguridad de gravedad en sus lugares de trabajo. Los datos más recientes del Buró de Estadísticas Laborales muestran que [#] de trabajadores latinos murieron en [STATE] durante 2015, y muchos más sufrieron de enfermedades ocupacionales que eran prevenibles.

“Los trabajadores inmigrantes tienen una tasa desproporcional de lesiones, enfermedades y fatalidades en los lugares de trabajo principalmente porque trabajan en industrias peligrosas y podrían estar particularmente vulnerables por su estatus migratorio y podrían estar sujetos a la explotación por parte de su empleador”, señaló [NAME, TITLE].

Los asistentes a [EVENT] también enfatizaron que este año es particularmente importante desde que el gobierno de Trump trata de quitar o de bloquear las regulaciones que protegen a los trabajadores de peligros serios como el mortal polvo de sílice, explosiones químicas, violencia en los lugares de trabajo, como también recortar el presupuesto para la seguridad laboral.

“Demasiados funcionarios electos y grupos empresariales están activamente bloqueando protecciones de sentido común que ayudaría a que los trabajadores estén seguros en su lugar de trabajo”, dijo [NAME, TITLE], líder comunitario/religioso local. “Continúan poniendo las ganancias sobre la seguridad y la salud y los trabajadores continúan sufriendo lesiones y hasta la muerte. La gente trabajadora merece trabajos buenos y seguros ahora”.

###

TIPS TO GET MEMBERS OF THE LATINO COMMUNITY TO YOUR EVENT:

- Build a solid list of Spanish-language and Latino English-language media outlets in your community.
- Contact reporters/editors/publishers/producers directly. Most Spanish-language journalists speak English.
- Compelling personal stories are a must. Latino media focuses on human emotional stories. You will need to find workers with compelling stories who speak fluent Spanish and are willing to speak in front of TV cameras.
- When pitching the event to your local Latino outlets, make sure to highlight that you will have workers at the event who can give their personal testimony.
- Keep in mind that many Latino community publications are weekly or monthly. If possible, try to find the publication's editorial calendar and deadlines.

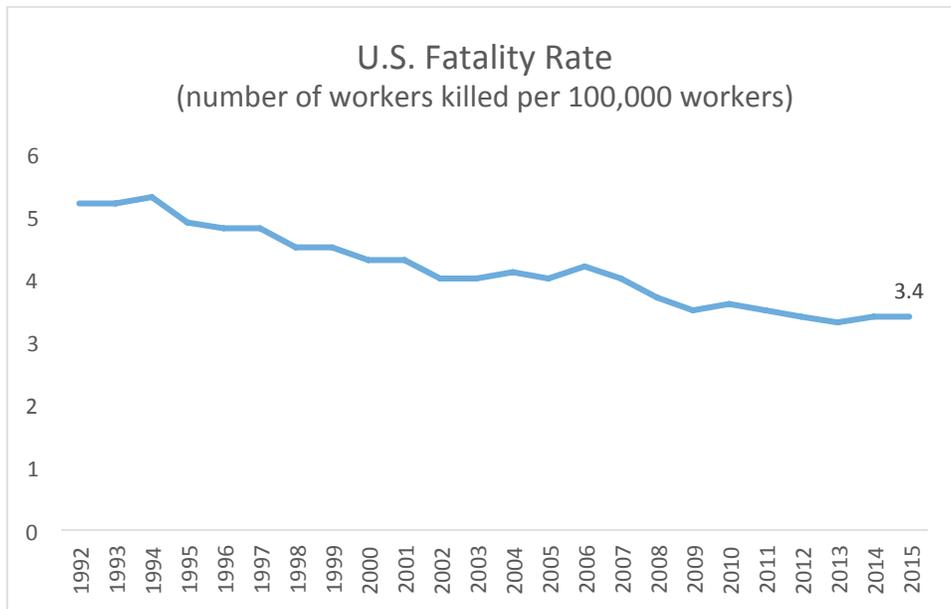
WORKER SAFETY AND HEALTH FACTS—2017

- This year marks the 46th anniversary of the effective date of the Occupational Safety and Health Act and the creation of the Occupational Safety and Health Administration. The act—which guarantees every American worker a safe and healthful working environment—created OSHA to set and enforce standards, and the National Institute for Occupational Safety and Health to conduct research and investigations. This year also marks the 48th anniversary of the Coal Mine Health and Safety Act, and 40th anniversary of the Federal Mine Safety and Health Act.
- Since 1970, workplace safety and health conditions have improved. More than 553,000 workers' lives have been saved since the passage of the Occupational Safety and Health Act. But many workers remain in serious danger.
- The Obama administration stepped up job safety enforcement and issued important new standards to protect workers from silica dust and beryllium, as well as issued a stronger coal dust standard for miners and stronger anti-retaliation protections for workers who report job injuries.
- But now the Trump administration is pushing to roll back and weaken regulations. The president has ordered that all existing rules must be reviewed and that for every new protection, two existing safeguards must be removed from the books. At the same time, Republicans in Congress have moved quickly to overturn rules issued by the Obama administration. President Trump has proposed a budget that would cut the Department of Labor by 21% and eliminate key worker safety and health training programs and the Chemical Safety Board.
- Workers need more protection, not less.
- The Occupational Safety and Health Act is 46 years old, and is out of date. Millions of workers lack coverage, penalties are weak, and worker and union rights are very limited.
- Thousands of workers still face retaliation by their employers each year for raising job safety concerns or for reporting injuries—fired or harassed simply because they want a safe place to work. The OSH Act's whistleblower and anti-retaliation provisions are too weak to provide adequate protection to workers who try to exercise their legal rights.

MILLIONS OF WORKERS ARE KILLED, INJURED OR DISEASED ON THE JOB EACH YEAR

- In 2015, 4,836 workers were killed on the job by traumatic injuries and an estimated 50,000–60,000 died from occupational diseases. On an average day, more than 10,000 workers are injured or become ill because of workplace hazards, and 13 workers lose their lives as a result of job-related injuries.

On average, 150 workers were killed each day in 2015 from job-related injuries and illnesses.



- In 2015, 2.9 million injuries and illnesses were reported in private-sector workplaces and an additional 752,600 injuries and illnesses were reported among state and local public employees. The reported injury and illness rate for private-sector workers was 3.0 per 100 workers; the rate among state and local public-sector workers was greater, at 4.8 per 100 workers. The Bureau of Labor Statistics survey, which reports this data, undercounts workplace injuries and illnesses. Research indicates the true toll of job injuries may be two to three times greater than the numbers and rates reported by BLS.
- There were 286,350 musculoskeletal disorders (MSDs) that resulted in days away from work in 2015. MSDs account for 32% of serious workplace injuries and illnesses, and remain the biggest source of job injuries.

WORKERS NEED MORE SAFETY AND HEALTH PROTECTION

- Some groups of workers are at much greater risk.

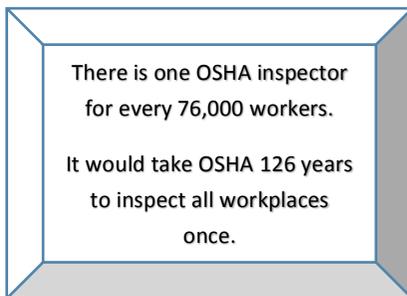
| Industry Sector | Fatality Rate, 2015 |
|---|----------------------------|
| All Industries | 3.4 |
| Agriculture, Forestry, Fishing and Hunting | 22.8 |
| Transportation and Warehousing | 13.8 |
| Mining, Quarrying, and Oil and Gas Extraction | 11.4 |
| Construction | 10.1 |

- Fatality rates in the mining industry have dropped significantly over time, from a rate of 100 per 100,000 workers in 1970 to 11.4 per 100,000 in 2015. But mining is still very dangerous. In 2016, there were 26 mining fatalities—nine in coal and 17 in metal and nonmetal mines. In 2015, there were 29 mining fatalities—12 in coal, and 17 in metal and nonmetal mines.
- The oil and gas sector is still a very dangerous industry for workers. In 2015, 89 oil and gas workers died on the job, compared with 144 oil and gas worker deaths in 2014 and 112 in 2013. Oil and gas extraction industries accounted for 74% of the fatal work injuries in the mining, quarrying, and oil and gas extraction sector in 2015.
- Latino workers are at high risk of job-related deaths, with a fatality rate of 4.0 per 100,000 workers, 18% greater than the national fatality rate. The fatality rate for Latino workers has declined significantly from a peak fatality rate of 6.0 workers in 2001, but is still disproportionately high. In 2015, there were 903 Latino worker deaths, compared with 804 Latino worker deaths in 2014 and 817 in 2013.
- The majority (67%) of Latino workers who died on the job in 2015 were immigrant workers. A total of 943 foreign-born workers died on the job in 2015. Immigrant workers have a disproportionate rate of injuries, illnesses and fatalities in the workplace largely because they work in dangerous industries, may be particularly vulnerable due to their immigration status and may be subject to employer exploitation.
- In 2015, 35% of all fatalities (1,681 deaths) occurred in workers ages 55 years or older, with 650 of these deaths occurring in workers ages 65 years or older. Workers 65 or older have three times the risk of dying on the job than the overall work population, with a fatality rate of 9.4 per 100,000 workers. Workers ages 55–64 also have an increased fatality risk, with a fatality rate of 4.3 per 100,000 workers.
- Workplace violence is a growing problem. In 2015, there were 417 workplace homicides; there were 409 in 2014. There were more than 26,000 serious injuries related to workplace violence, with women workers in health care and social assistance facing the greatest risk of injury. Women experienced nearly twice as many workplace violence events as men. There currently is no federal workplace violence standard, with only a few states addressing the

problem. In 2017, federal OSHA committed to developing a comprehensive workplace violence standard in health care and social assistance.

- There were 229 suicides in the workplace in 2015, compared with 282 in 2013 and 280 in 2014.
- Nearly 8 million state and local public employees still lack OSHA protection. The injury and illness rate for state and local public employees was 5.1/100 workers—70% higher than the injury and illness rate for the private-sector workforce (3.0/100 workers).

OSHA IS UNDERFUNDED AND UNDERSTAFFED; PENALTIES ARE TOO LOW



- Federal OSHA has only 815 safety and health inspectors and can inspect workplaces, on average, once every 159 years. The state OSHA plans have a combined total of 1,023 inspectors and can inspect workplaces on average once every 99 years.
 - OSHA’s current budget (FY 2017 CR) of \$553 million amounts to \$3.65 per worker.
- OSHA penalties increased under the Obama administration, but still are too low to be a deterrent.¹

Penalty for a Serious Violation of the OSH Act

- In FY 2016, the average penalty for a serious violation of the OSH Act was only \$2,402 for federal OSHA and \$1,747 for OSHA state plans combined.

Penalty for a Worker Death: Slap on the Wrist

- In FY 2016, the median total penalty in fatality cases investigated by federal OSHA was only \$9,800, reduced to \$7,000 after settlements.

¹ OSHA’s penalty policy implemented in FY 2011 increased average OSHA penalties for serious violations from about \$1,000 to \$2,000. Under the OSH Act, the maximum penalty for a serious violation of the law had been only \$7,000. In 2015, Congress passed a law that raised the maximum serious penalty to \$12,500, and the maximum penalty for a willful or repeat violation to \$125,000.

SIGNIFICANT HEALTH AND SAFETY PROBLEMS REMAIN

- Most chemical hazards are unregulated. Since OSHA was created, comprehensive standards have been issued for only 32 toxic chemicals. OSHA recently developed comprehensive standards for exposure to silica and beryllium, but these standards are under attack by industry groups and the Trump administration may delay or weaken them. OSHA's permissible exposure limits (PELs) for chemical hazards remain outdated, and many other chemicals lack regulation altogether, leaving millions of workers at risk of disease and death from workplace chemical exposures. There are new opportunities to protect workers from chemical exposure under the new Toxic Substances Control Act reforms passed by Congress in 2016.
- Contractors accounted for 17% of all worker deaths in 2015. Employers are contracting out more and more work, seeking to reduce costs and shift responsibility. Temporary workers and other contract workers often work in dangerous jobs, with no safety and health protections or training.
- Other major safety and health concerns facing workers today include issues of work organization, such as increased hours of work, intensification of work due to downsizing, increased pace of work and inadequate staffing.

CHALLENGES AHEAD

- With President Trump in the White House and Republicans in control in Congress, the immediate future for worker safety and health is uncertain. There is a major push to weaken or eliminate existing regulations. Congress already has repealed a new rule that allowed OSHA to enforce an employer's obligation to keep accurate injury records. The Department of Labor has delayed the effective date of OSHA's new beryllium standard and MSHA's rule requiring pre-shift examinations of metal and nonmetal mines. The fate of these rules is unknown, and new safeguards on hazards like workplace violence seem unlikely.
- Funding for job safety agencies and programs is threatened. President Trump has proposed a 21% cut to the Department of Labor's budget and to eliminate OSHA's worker safety and health training program and the Chemical Safety Board. The president also has proposed to cut NIOSH's job safety research budget by \$100 million—a 30% cut in current funding. Enforcement programs also may be cut and weakened, undermining worker safety and health.
- Without a strong commitment by the Trump administration and Congress to worker safety and health protections, employers may reduce their safety and health efforts, turn back the clock and put workers in danger.

Prepared by: AFL-CIO Safety and Health Department, April 7, 2017

WORKERS MEMORIAL DAY FATALITY DATA GUIDE: HOW TO IDENTIFY WORK-RELATED FATALITIES IN YOUR AREA

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Landing page:

www.osha.gov/dep/fatcat/dep_fatcat.html

The screenshot shows the OSHA website's 'Worker Fatalities Reported to Federal and State OSHA' page. The header includes the OSHA logo and navigation links. The main content area features a banner with the title 'Worker Fatalities Reported to Federal and State OSHA' and a sub-header 'WORKER FATALITIES More Than 4,500 workers die on the job each year'. Below this, there is a table with columns for 'FY 2017', 'FY 2016', 'FY 2015', 'Archive (FY 2009 - FY 2014)', and 'Reporting Fatalities'. The table lists reports of fatalities and incidents for FY 17 (Oct. 8, 2016 - Sept. 30, 2017). A sidebar on the right contains 'Related pages' such as 'Workers Memorial Day' and 'Fatal Facts'. The footer includes the OSHA logo and 'DEPARTMENT OF LABOR'.

This OSHA resource provides detailed information on worker fatalities and catastrophes reported to OSHA, such as the name of the worker, date, workplace name/city/state and cause. This list only includes workplace deaths that OSHA has investigated, which is approximately only one-third of workplace deaths each year. You can search fatalities by fiscal year (FY); for example, FY 2017 includes fatalities from Oct. 1, 2016, through Sept. 30, 2017. The inspection number listed in these reports refers to the corresponding inspection conducted by OSHA for that workplace fatality. You can look up more detailed information about the inspection and any related citations here: www.osha.gov/pls/imis/inspectionNr.html.

BUREAU OF LABOR STATISTICS (BLS)

Landing page:

www.bls.gov/iif/oshstate.htm

The screenshot shows the BLS website's 'Injuries, Illnesses, and Fatalities' page. The header includes the BLS logo and navigation links. The main content area features a map of the United States with state boundaries highlighted. Below the map, there is a section titled 'Overview of State data available' which provides information about the BLS Survey of Occupational Injuries and Illnesses (SOI) and the BLS Census of Fatal Occupational Injuries (CFOI). The page also includes a 'NEED DATA HELP?' section and a 'CONTACT US' section. The footer includes the BLS logo and 'DEPARTMENT OF LABOR'.

This BLS resource will not provide detailed information about each worker death, but will help you find the total number of work-related fatalities in your state (including deaths not investigated by OSHA). BLS issues data every December from the previous calendar year; for example, in December 2016, BLS released fatality data for calendar year 2015. Click on a state or scroll down the page to find your state and click on the “CFOI” file for fatality counts and

fatality rate for each year. This resource produces a table that describes worker deaths by employee status, gender, age, race, source, industry, occupation, location, activity, etc.

CENTER FOR CONSTRUCTION RESEARCH AND TRAINING

Landing page:

<http://stopconstructionfalls.com/fatality-map/>

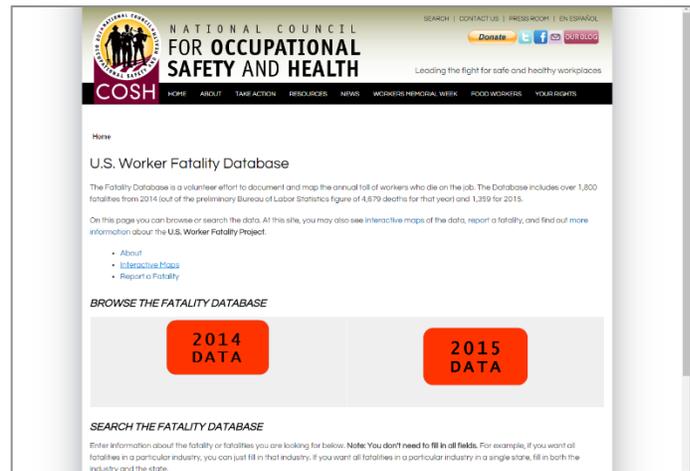


This CPWR resource maps individual worker deaths due to falls in the construction industry. Each pin on the map represents a construction worker who suffered a fatal fall. Click on the pin to find out more demographic details. Find out more about this mapping project, which is part of the Campaign to Prevent Falls in Construction, here: <http://stopconstructionfalls.com/fatality-map/fatality-mapping-project/>.

NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH

Landing page:

www.coshnetwork.org/fatality-database



This U.S. Worker Fatality Database is a volunteer effort to document and map the annual toll of workers who die on the job, using government data, public sources such as news articles and individual reports. This database represents approximately only one-third of worker deaths each year but provides details surrounding each fatal event. You can browse or search the data, view interactive maps of the data and report a work-related fatality to the database.

Total, Latino and Foreign-Born Worker Fatalities by State, 2015¹

| State | Fatalities | | | Fatalities | | | Fatalities | | |
|-------------|------------|--------|--------------|------------|--------|--------------|--------------------------|--------|--------------|
| | Total | Latino | Foreign-born | Total | Latino | Foreign-born | Total | Latino | Foreign-born |
| Alabama | 70 | 3 | 4 | 112 | 9 | 10 | 202 | 11 | 22 |
| Alaska | 14 | -- | 2 | 15 | -- | 1 | 91 | 17 | 16 |
| Arizona | 69 | 18 | 18 | 69 | 9 | 16 | 44 | 5 | 4 |
| Arkansas | 74 | 10 | 12 | 69 | 4 | 15 | 173 | 17 | 17 |
| California | 388 | 178 | 162 | 134 | 12 | 16 | 6 | -- | 1 |
| Colorado | 75 | 20 | 12 | 74 | -- | 4 | 117 | 10 | 13 |
| Connecticut | 44 | 8 | 14 | 77 | 7 | 10 | 21 | -- | -- |
| Delaware | 8 | -- | 1 | 117 | 7 | 11 | 112 | 10 | 11 |
| Florida | 272 | 78 | 93 | 36 | -- | 2 | 527 | 220 | 156 |
| Georgia | 180 | 26 | 31 | 50 | 4 | 2 | 42 | 4 | 5 |
| Hawaii | 18 | 3 | 4 | 44 | 13 | 14 | 9 | -- | -- |
| Idaho | 36 | 5 | 4 | 18 | -- | 1 | 106 | 9 | 11 |
| Illinois | 172 | 19 | 24 | 97 | 22 | 38 | 70 | 14 | 10 |
| Indiana | 115 | 6 | 10 | 35 | 13 | 7 | 35 | -- | 1 |
| Iowa | 60 | -- | 3 | 236 | 51 | 69 | 104 | 7 | 13 |
| Kansas | 60 | 12 | 7 | 150 | 17 | 26 | 34 | 4 | 2 |
| Kentucky | 99 | 5 | 8 | 47 | 4 | 6 | 4,836 | 903 | 943 |
| | | | | | | | Total² | | |

Source: U.S. Department of Labor, Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2015.

¹Latino includes both foreign-born and native-born.

²Total includes fatalities that may have occurred in the District of Columbia.

Note: Dashes indicate no data reported or data that do not meet BLS publication criteria.

Profile of Workplace Safety and Health in the United States

| State | Fatalities 2015 ¹ | | Injuries/Illnesses 2015 ² | | Penalties FY 2016 ³ | | Inspectors ^{4,5} | | Years to Inspect Each Workplace Once ⁶ | State or Federal Program | |
|--------------------|------------------------------|------|--------------------------------------|---------|--------------------------------|--------------|---------------------------|---------|---|--------------------------|----------------------|
| | Number | Rate | Rank ⁷ | Number | Rate | Average (\$) | Rank ⁸ | Federal | | | State |
| Alabama | 70 | 3.7 | 27 | 38,400 | 3.0 | 2,582 | 9 | 24 | 0 | 114 | Federal |
| Alaska | 14 | 4.1 | 32 | 8,500 | 3.9 | 1,079 | 43 | 3 | 9 | 41 | State |
| Arizona | 69 | 2.4 | 7 | 54,100 | 2.9 | 1,002 | 44 | 2 | 23 | 122 | State |
| Arkansas | 74 | 5.8 | 45 | 22,400 | 2.6 | 2,480 | 17 | 7 | 0 | 258 | Federal |
| California | 388 | 2.2 | 5 | 363,100 | 3.3 | 7,131 | 1 | 6 | 210 | 181 | State |
| Colorado | 75 | 2.9 | 17 | N/A | N/A | 2,044 | 30 | 30 | 0 | 161 | Federal |
| Connecticut | 44 | 2.6 | 10 | 36,300 | 3.2 | 2,142 | 27 | 17 | 5 | 103 | Federal ⁵ |
| Delaware | 8 | 1.9 | 2 | 7,800 | 2.6 | 2,878 | 4 | 4 | 0 | 187 | Federal |
| Florida | 272 | 3.1 | 21 | N/A | N/A | 2,451 | 19 | 62 | 0 | 255 | Federal |
| Georgia | 180 | 4.3 | 34 | 78,400 | 2.7 | 2,392 | 24 | 46 | 0 | 168 | Federal |
| Hawaii | 18 | 2.6 | 10 | 13,100 | 3.4 | 1,604 | 34 | 4 | 17 | 86 | State |
| Idaho | 36 | 4.8 | 38 | N/A | N/A | 2,485 | 14 | 8 | 0 | 208 | Federal |
| Illinois | 172 | 2.9 | 17 | 118,200 | 2.9 | 2,380 | 25 | 61 | 9 | 147 | Federal ⁵ |
| Indiana | 115 | 3.9 | 29 | 75,400 | 3.7 | 1,000 | 45 | 0 | 28 | 188 | State |
| Iowa | 60 | 3.9 | 29 | 39,500 | 3.7 | 1,488 | 38 | 2 | 22 | 170 | State |
| Kansas | 60 | 4.4 | 36 | 28,100 | 3.0 | 2,144 | 26 | 28 | 0 | 133 | Federal |

Profile of Workplace Safety and Health in the United States

| State | Fatalities 2015 ¹ | | Injuries/Illnesses 2015 ² | | Penalties FY 2016 ³ | | Inspectors ^{4,5} | | Years to Inspect Each Workplace Once ⁶ | State or Federal Program | |
|---------------|------------------------------|------|--------------------------------------|---------|--------------------------------|--------------|---------------------------|---------|---|--------------------------|----------------------|
| | Number | Rate | Rank ⁷ | Number | Rate | Average (\$) | Rank ⁸ | Federal | | | State |
| Kentucky | 99 | 5.5 | 42 | 43,300 | 3.5 | 3,295 | 2 | 0 | 34 | 117 | State |
| Louisiana | 112 | 5.8 | 45 | 26,100 | 1.9 | 2,847 | 5 | 13 | 0 | 260 | Federal |
| Maine | 15 | 2.5 | 9 | 19,200 | 4.8 | 2,508 | 12 | 7 | 3 | 119 | Federal ⁵ |
| Maryland | 69 | 2.4 | 7 | 50,400 | 2.9 | 650 | 49 | 6 | 42 | 158 | State |
| Massachusetts | 69 | 2.1 | 3 | 65,300 | 2.7 | 2,484 | 15 | 29 | 0 | 182 | Federal |
| Michigan | 134 | 3.1 | 21 | 96,000 | 3.3 | 763 | 48 | 1 | 55 | 51 | State |
| Minnesota | 74 | 2.7 | 13 | 65,600 | 3.5 | 832 | 46 | 0 | 40 | 81 | State |
| Mississippi | 77 | 6.8 | 47 | N/A | N/A | 2,440 | 20 | 11 | 0 | 134 | Federal |
| Missouri | 117 | 4.3 | 34 | 55,700 | 3.0 | 2,466 | 18 | 14 | 0 | 160 | Federal |
| Montana | 36 | 7.5 | 48 | 12,000 | 4.3 | 1,803 | 33 | 7 | 0 | 204 | Federal |
| Nebraska | 50 | 5.4 | 41 | 22,500 | 3.4 | 2,891 | 3 | 9 | 0 | 204 | Federal |
| Nevada | 44 | 3.5 | 25 | 33,400 | 3.8 | 1,157 | 41 | 3 | 42 | 52 | State |
| New Hampshire | 18 | 2.7 | 13 | N/A | N/A | 2,425 | 21 | 7 | 0 | 157 | Federal |
| New Jersey | 97 | 2.3 | 6 | 72,000 | 2.7 | 2,533 | 11 | 42 | 9 | 108 | Federal ⁵ |
| New Mexico | 35 | 4.1 | 32 | 16,300 | 3.1 | 1,140 | 42 | 0 | 10 | 122 | State |
| New York | 236 | 2.7 | 13 | 148,000 | 2.4 | 2,492 | 13 | 67 | 26 | 152 | Federal ⁵ |

Profile of Workplace Safety and Health in the United States

| State | Fatalities 2015 ¹ | | Injuries/Illnesses 2015 ² | | Penalties FY 2016 ³ | | Inspectors ^{4,5} | | Years to Inspect Each Workplace Once ⁶ | State or Federal Program | |
|----------------|------------------------------|------|--------------------------------------|---------|--------------------------------|--------------|---------------------------|---------|---|--------------------------|---------|
| | Number | Rate | Rank ⁷ | Number | Rate | Average (\$) | Rank ⁸ | Federal | | | State |
| North Carolina | 150 | 3.4 | 24 | 74,100 | 2.6 | 1,582 | 35 | 2 | 83 | 98 | State |
| North Dakota | 47 | 12.5 | 50 | N/A | N/A | 2,723 | 7 | 7 | 0 | 101 | Federal |
| Ohio | 202 | 3.9 | 29 | 104,700 | 2.8 | 2,679 | 8 | 59 | 0 | 141 | Federal |
| Oklahoma | 91 | 5.5 | 42 | N/A | N/A | 2,017 | 31 | 16 | 0 | 150 | Federal |
| Oregon | 44 | 2.6 | 10 | 44,700 | 3.7 | 570 | 50 | 4 | 68 | 35 | State |
| Pennsylvania | 173 | 3.0 | 20 | 144,900 | 3.5 | 2,484 | 15 | 54 | 0 | 149 | Federal |
| Rhode Island | 6 | 1.2 | 1 | N/A | N/A | 2,077 | 29 | 7 | 0 | 124 | Federal |
| South Carolina | 117 | 5.6 | 44 | 32,900 | 2.5 | 790 | 47 | 2 | 17 | 152 | State |
| South Dakota | 21 | 4.9 | 39 | N/A | N/A | 2,419 | 22 | 2 | 0 | 293 | Federal |
| Tennessee | 112 | 3.7 | 27 | 61,200 | 3.1 | 1,566 | 36 | 3 | 35 | 91 | State |
| Texas | 527 | 4.5 | 37 | 189,500 | 2.3 | 2,397 | 23 | 91 | 0 | 169 | Federal |
| Utah | 42 | 3.2 | 23 | 31,300 | 3.5 | 1,322 | 39 | 0 | 18 | 113 | State |
| Vermont | 9 | 2.9 | 17 | 9,100 | 4.6 | 1,201 | 40 | 0 | 7 | 62 | State |
| Virginia | 106 | 2.8 | 16 | 58,700 | 2.4 | 1,504 | 37 | 3 | 46 | 102 | State |
| Washington | 70 | 2.1 | 3 | 90,700 | 4.4 | 2,118 | 28 | 3 | 108 | 57 | State |
| West Virginia | 35 | 5.0 | 40 | 15,400 | 3.2 | 1,916 | 32 | 6 | 0 | 181 | Federal |

Profile of Workplace Safety and Health in the United States

| State | Fatalities 2015 ¹ | | Injuries/Illnesses 2015 ² | | Penalties FY 2016 ³ | | Inspectors ^{4,5} | | Years to Inspect Each Workplace Once ⁶ | State or Federal Program | |
|---------------------------------------|---------------------------------|------------|---|--------------------|-----------------------------------|--------------------------|---------------------------|---------------------------|---|--------------------------------|---------|
| | Number | Rate | Rank ⁷ | Number | Rate | Average (\$) | Rank ⁸ | Federal | | | State |
| Wisconsin | 104 | 3.6 | 26 | 68,400 | 3.6 | 2,573 | 10 | 30 | 0 | 142 | Federal |
| Wyoming | 34 | 12.0 | 49 | 6,200 | 3.3 | 2,732 | 6 | 0 | 5 | 94 | State |
| Total or National Average: | 4,836 | 3.4 | | 2.9 Million | 3.0 | 2,087⁹ | | 1,838¹⁰ | | 126¹¹ | |

¹The state fatality rates are calculated by BLS as deaths per 100,000 equivalent workers.

²Bureau of Labor Statistics, rate of total cases per 100 workers. Number and rate are for private sector only and include Guam, Puerto Rico and the Virgin Islands.

³U.S. Department of Labor, OSHA. OIS Inspection Reports, FY 2016. Penalties shown are average current penalty per serious citation for conditions creating a substantial probability of death or serious physical harm to workers. For Connecticut, Illinois, Maine, New Jersey and New York, averages are based only on federal penalty data.

⁴Includes only safety and industrial hygiene Compliance Safety and Health Officers (CSHOs) who conduct workplace inspections and does not include supervisory CSHOs. Federal CSHOs provided by OSHA's Directorate of Enforcement Programs, CSHO Count By State as of Feb. 24, 2017. State plan CSHOs provided by OSHA's Directorate of Cooperative and State Programs and includes "on board" safety and health CSHOs from the FY 2017 State Plan Grant Applications as of Feb. 24, 2017. The number of "on board" CSHOs may not accurately reflect the true number of CSHOs actually hired and conducting enforcement inspections due to possible budgetary issues in any particular state.

⁵Under the OSHAct, states may operate their own OSHA programs. Twenty-one states and one territory have state OSHA programs covering both public- and private-sector workers. Connecticut, Illinois, Maine, New Jersey, and New York have state programs covering state and local employees only. Maine's state program went into effect August 5, 2015.

⁶Years to inspect is based on the number of establishments in 2015 and the number of OSHA inspections in FY 2016. The number of establishments in OSHA's jurisdiction includes private-sector establishments (except mining) and federal establishments. For any state with a plan that covers public-sector employees, state and local establishments also are included.

⁷Rankings are based on best-to-worst fatality rate (1–best, 50–worst).

⁸Rankings are based on highest-to-lowest average penalty (\$) per serious violation (1–highest, 50–lowest).

⁹National average is per citation average for federal OSHA serious penalties and state OSHA plan states' serious penalties combined. Federal serious penalties average \$2,402 per citation; state plan OSHA states average \$1,747 per citation.

¹⁰Total number of inspectors includes 815 federal OSHA inspectors and 1,023 state OSHA inspectors, including two inspectors in the Virgin Islands and 52 inspectors in Puerto Rico.

¹¹Frequency of all covered establishments for all states combined. Average inspection frequency for federal OSHA states is once every 159 years; inspection frequency of covered establishments for state OSHA plan states is once every 99 years. States with their own OSHA program for public employees only (Connecticut, Illinois, Maine, New Jersey and New York) are considered federal states for these averages.

aflcio.org/WorkersMemorialDay

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