

# MODULE 6

## Health and Safety Protection and Workers Compensation

### Module Overview

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**Time:** 90 minutes plus Introductions

- Objectives**
- to identify some workplace health and safety hazards
  - to review the legal right to a hazard-free work place, the Occupational Safety and Health Act and the Mass. State Employee Occupational Safety and Health Law
  - to practice evaluating and responding to work place hazards
  - to review what Workers Compensation provides to workers injured on the job

- Preparation:**
- read Schwartz, Your Rights on the Job Chapter 5
  - prepare flipcharts
  - copy and read handouts: Participant Outline; What Are Hazards, OSHA Rights, The Occupational Safety and the State Employee Occupational Safety and Health Law In Brief; Scenario #1, Scenario #2, Scenario #3 and/or Scenario #4, OR pictures 1, 3 and/or 6; and The Massachusetts Worker Compensation Act In Brief

**Materials:** Flipchart, markers, masking tape

### Module Outline      Module Detail

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#### Welcome and Introductions

**Time:** 10 minutes

**Flipcharts:** *Objectives* and *Agenda*

#### Welcome and Introductions

Welcome participants, introduce yourself and review workshop objectives and agenda. It is helpful to put the Objectives and Agenda on flipcharts to post. Ask participants to introduce themselves, giving their name and union or organizational affiliation, if any.

**What Are Some Workplace Health and Safety Hazards?**

**Time:** 15 minutes

**Handout:** *What Are Hazards* from Western MassCOSH

**Flipchart:** *Some Workplace Hazards (title only)*

**Activity 1: What Are Some Workplace Health and Safety Hazards?**

Ask for examples from their experience, or the experiences of friends or relatives, of workplace health or safety hazards. Give an example such as *no guard on a machine* or *poor ventilation*. List participants' examples on flipchart. Ask which hazards they think affect the worker's health and which affect the worker's safety. Work with participants to group hazards into **health hazards** and **safety hazards**. Explain that health hazards may also be grouped into **stress**, **physical**, **chemical** and **biological**.

Review handout: *What Are Hazards* and compare to their list.

Sum-up for participants:

"Safety hazards cause immediate harm. Accidents and injuries are caused by safety hazards and may include broken bones, cuts and electrocutions. Health hazards cause disease or illness. Diseases may take years to develop. Some examples of occupational diseases include cancer, heart disease, hearing loss and reproductive difficulties."

**The Legal Right to a Safe Workplace**

**Time:** 15 minutes

**Handouts:** *Your Occupational Safety and Health Rights*; *OSHA In Brief*

**Activity 2: The Legal Right to a Safe Workplace**

Review *Your OSHA Rights* fact sheet. Ask participants what questions they have about OSHA and the State Employee OSH Law.

Review the section on *Remedies* and *Who to Contact* in handout *OSHA In Brief*. Mention MassCOSH (Massachusetts Coalition on Occupational Safety and Health) and Western MassCOSH as additional resources.

**Responding to Health and Safety Problems on the Job**

**Time:** 40 minutes

**Flipcharts:** *Scenario 1 (title only)*; *Scenario 2 (title only)*, etc.

**Handouts:** Scenarios 1, 2, 3 and/or 4; Pictures 1, 3 and/or 6

**Activity 3: Responding to Health and Safety Problems on the Job**

Tell participants that they will now have an opportunity to analyze some health and safety case studies. Break participants into small groups and ask them to review one of the cases provided and answer the questions which follow. Suggest that group members take turns reading aloud the case and the questions as they are answered. There are 4 different scenarios to be used by the groups. Use any that are  
(cont. next page)

appropriate to the group's work interests or experience. (For public employees, use Scenario #4 or Picture 6.) Advise groups that they should try to reach consensus on their answers.

*You may use pictures 1, 3 and/or 6 instead of, or in addition to, the written case studies, if literacy levels are an issue. If you use pictures ask participants to use the following questions to analyze the pictures:*

- 1. What do you see happening here?*
- 2. What hazards do you see?*
- 3. If you were the pictured worker, what would you do?*

Ask groups to report back their answers. If more than one group is doing the same scenario (or picture) ask one group to respond to the first question and the next group to take the next question, and so on. List responses on the flipchart for that scenario.

#### **Sum-up:**

“It is important to know your rights under OSHA or the State Employee OSH Law when responding to a situation that appears to be a health or safety hazard. It is also important to act with other workers in the work place to be effective. You may have a workplace health and safety committee to turn to. If you have a union you may have contract language which gives you additional protection.”

#### **Activity 4: Workers Compensation: What to do if you are injured**

Give participants the following information on Workers Compensation:

“Workers compensation is the most important program for injured workers. It provides weekly cash benefits, medical coverage, and re-training expenses for all work-related injuries or illnesses, even when the injuries were caused by the employee's own carelessness. Workers Compensation is a trade-off program. In return for guaranteed benefits workers give up the right to sue their employer, their supervisors or their fellow employees for negligence. Workers Compensation will provide 60% of the employee's weekly wage for temporary disability, and 2/3rds of the average weekly wage for permanent total disability.”

Review the handout *The Massachusetts Workers Compensation Act (Chapter 152) In Brief*.

#### **Workers Compensation: What to do if you are injured**

**Time:** 15 minutes

**Handouts:** *The Massachusetts Workers Compensation Act (Chapter 152) In Brief*

## **Summary and Remedies**

**Time:** 5 minutes

Ask participants: “What questions to you have?”

Refer participants to Massachusetts Department of Industrial Accidents for questions which cannot be answered in class.

## **Summary and Remedies**

“Workers have the right to a work place free from health and safety hazards. They have a legal procedure to follow to correct hazards in the workplace. In the event of a work place injury or illness workers have the right to benefits guaranteed by Workers Compensation law. If workers have a union they may have additional protection on the job.

State and local public sector workers in Massachusetts are now covered by the State Employees Occupational Safety and Health Law, which is enforced by the Department of Labor Standards.

Immigrant workers, whether documented or undocumented, are covered by health and safety laws. It is not always safe, however, for undocumented workers to go to state and federal agencies with complaints, as those agencies might notify Immigration and Customs Enforcement (ICE). Undocumented workers should check first with MassCOSH or Western MassCOSH, or an immigrant workers rights advocacy group.

Remedies include cleaning up or correcting the hazard, reinstatement if worker has lost job for refusing unsafe work and fines for serious or willful violation.”

**If you are going on to the module on FMLA, you can use the following bridge:**

“What if you are ill or injured and it did not happen on your job? Workers covered by the Family and Medical Leave Act are entitled to 12 weeks of unpaid leave with a guarantee that you will get your job back when you return.”

**Note to facilitator:**

## **MODULE 6**

### **Health and Safety Protection and Workers Compensation Participant Outline**

**90 minutes**

#### **Objectives:**

- to identify some workplace health and safety hazards
- to review the legal right to a hazard-free work place under the Occupational Safety and Health Act and the Massachusetts State Employee Occupational Safety and Health Law
- to practice evaluating and responding to work place hazards
- to review what Workers Compensation provides to workers injured on the job

#### **Welcome and Introductions**

##### **Activity 1: What Are Some Workplace Health and Safety Hazards?**

Brainstorm a list of workplace health and safety hazards.

##### **Activity 2: The Legal Right to a Safe Workplace**

Review the rights workers have under the Occupational Safety and Health Act (OSHA) and the State Employee Occupational Safety and Health Law

##### **Activity 3: Responding to Health and Safety Problems on the Job**

Use case studies or pictures to analyze different workplace health and safety problems and plan ways to respond.

##### **Activity 4: Workers' Compensation: What to do if you are injured**

Review the rights to compensation for workers who are injured or become ill on the job under the Massachusetts Workers Compensation Act.

#### **Summary**

# **YOUR OCCUPATIONAL SAFETY AND HEALTH RIGHTS**

## **What is OSHA?**

OSHA is the Occupational Safety and Health Administration, which was created by the Occupational Safety and Health Act in 1970 to protect workers from health and safety hazards in the workplace and on the job. While OSHA only covers private sector workers, many states, including Massachusetts have passed laws that guarantee these same rights to public sector employees.

## **What Does OSHA Do?**

1. Sets legal standards to protect workers' health and safety on the job
2. Enforces standards
3. Inspects workplaces
4. Gives employers information to make the workplace safer and healthier
5. Enforces workers' rights to make an OSHA complaint without punishment by the employer.
6. Establishes reporting and record-keeping procedures to keep track of job-related injuries and illnesses

## **Who Is Covered by OSHA?**

Most workers are covered by OSHA, but not all. Those NOT covered are:

1. State and local government workers in Massachusetts are not covered by OSHA, but are afforded the same protections under the State Employee Occupational Safety and Health Law.
2. Workers in establishments with fewer than 6 employees
3. Workers in workplaces regulated by another federal agency (such as mining and seafaring)
4. Self-employed people
5. Federal employees. Although OSHA can inspect many federal agencies and make recommendations for protecting workers' health and safety, it cannot enforce regulations.

## **What Are My Rights Under OSHA (or the State Employee OSH Law)?**

1. You have the right to a workplace that is free of known hazard, even if there is no rule about a specific workplace hazard. This is called the "general duty clause."

2. You have the right to ask for and get information from your boss about safety and health hazards on the job.
3. You have the right to see your medical and exposure records.
4. You have the right to see copies of OSHA regulations that are relevant to your workplace.
5. You have the right to look at the company records of injuries and illnesses that have happened at work.
6. You have the right to refuse dangerous work if you believe, with reason, that you could be immediately seriously hurt or killed and you asked your boss to eliminate the danger and there was no safer way to do the job.
7. You have the right to make a complaint to OSHA (or the State Department of Labor Standards, if you are a public employee) about dangerous conditions on your job. OSHA (or the DOLS) will not reveal you name to your boss.
8. You have the right to be protected from punishment by your employer for using your other rights.

### **What Does MY Boss Have to Do?**

1. Provide a workplace free of known hazards.
2. Obey all OSHA regulations.
3. Put up the OSHA Job Safety and Health poster where all workers can see it.
4. Tell OSHA within 8 hours about any workplace accident that kills a worker or sends five or more workers to the hospital.
5. Keep records of job-related injuries and illnesses and post an annual summary in February that every worker can see.
6. Allow a worker representative to go with an OSHA inspector during an inspection.
7. Never punish a worker for using their OSHA rights.
8. Post a written notice of OSHA citations at or near the work site where the violations happened. This has to stay up for at least three days or until the violation is corrected.
9. Correct hazards within the time period set by OSHA in a citation.

## WHAT ARE WORKPLACE HAZARDS?

Hazards in the workplace may be either health hazards or safety hazards. Some characteristics of each are:

*Safety* hazards:

- Cause accidents and injuries
- Cause immediate harm
- May cause broken bones, cuts, bruises, sprains, and electrocutions

*Health* hazards:

- Cause disease or illness
- Disease may take years to develop
- Diseases include cancer, heart disease, hearing loss, reproductive problems

Some examples of health and safety hazards are:

### HEALTH HAZARDS

#### **Stress**

speed-up  
boring work  
repetitive work  
supervisor/worker problems  
worker/worker problems

#### **Physical**

noise  
heat or cold  
dusts  
vibration  
radiation  
lifting  
dampness  
repetitive motion

#### **Chemical**

gases  
dusts  
cleaners  
acids  
heavy metals  
vapors/fumes  
smoke

#### **Biological**

contagious diseases  
insects  
dirty conditions

### SAFETY HAZARDS

flammable materials  
unguarded machines  
unsafe ladders or  
scaffolding

explosive materials  
poor house keeping  
unsafe trenches

exposed wires  
sparks  
too much overtime

slippery floors  
blocked exits

1. What other hazards have you encountered?
2. Where would you locate them on the above list?



## **Responding to Health and Safety Problems on the Job**

### **Worksheet for Scenario #1**

At your workplace, a construction site, a net was hung to catch falling parts from a building under construction. The net has developed holes and yesterday a hammer fell through and nearly hit you. Last week a large piece of metal fell through and injured another worker. You tell the foreman that you were almost hit and ask him to replace the net. He tells you that you can avoid working in the areas where the net may be weak, but your job takes you all over the area around the site. You are afraid next time something falls you could be seriously injured.

1. What are the hazards in this situation?
2. What OSHA rights might be useful to you and your co-worker in this situation?
3. What steps could you take to use the OSHA rights you have selected?

## Responding to Health and Safety Problems on the Job

### Scenario #1

#### (Facilitator's Answer Sheet)

At your workplace, a construction site, a net was hung to catch falling parts from a building under construction. The net has developed holes and yesterday a hammer fell through and nearly hit you. Last week a large piece of metal fell through and injured another worker. You tell the foreman that you were almost hit and ask him to replace the net. He tells you that you can avoid working in the areas where the net may be weak, but your job takes you all over the area around the site. You are afraid next time something falls you could be seriously injured.

1. What are the hazards in this situation?

- ☞ an unsafe net, designed to hold small parts
- ☞ not to mention a foreman willing to risk workers safety!

2. What OSHA rights might be useful to you and your co-worker in this situation?

- ☞ the right to refuse unsafe work
- ☞ right to information about past accidents and injuries
- ☞ OSHA 11(c) anti-discrimination protection if discipline or termination occur

3. What steps could you take to use the OSHA rights you have selected?

Refuse to do the unsafe work in the following way:

- ☞ If you have a **reasonable belief** that there is a real danger of **death or serious physical harm** (a co-worker was seriously injured doing what you do) you may refuse to do unsafe work. Workers do not have protection under the Occupational Safety and Health Act or the State Employee OSH Law for refusing ANY hazardous job -- it must be shown to be a *real danger of death or serious physical harm*.
- ☞ You have already asked the employer to replace the net and eliminate the danger. This is another important step in gaining OSHA protection in a work refusal case: *the worker must try to get the hazard corrected with an appeal to management prior to refusing*.

- ☞ If it is near break or meal time, you could call OSHA and see if they could come right now and inspect the workplace. If they can get there before you have to perform the dangerous work, the OSHA inspector may be able to get the employer to have the work done in a safer manner. If an OSHA inspector CANNOT get to your workplace in a short amount of time, you have demonstrated that there was no time for OSHA to conduct an inspection before your work refusal. This is another requirement for OSHA protection for work refusals: *it must be shown that there was not enough time to seek what is called statutory protection -- in other words, an OSHA inspection.*
- ☞ You could tell the foreman that you are available and willing to do alternative assignments and it is just *this* dangerous job that you are refusing to do. *This is the final requirement for OSHA protection in a work refusal case: the worker must accept alternative safe work, if it is offered.*
- ☞ You should act together with your co-worker in dealing with the foreman. Workers have more protection when they work together to solve health and safety problems. If there is a Health and Safety committee in your workplace, contact them.
- ☞ You should involve your union (if you have one) as soon as possible as you may have health and safety language in your contract which gives you additional protection.

## **Responding to Health and Safety Problems on the Job**

### **Worksheet for Scenario #2**

You are an orderly on the 6<sup>th</sup> floor of the We Care Hospital. Last week Domingo, a co-worker, slipped while carrying a load of towels and dislocated his shoulder. The towels blocked his vision and he didn't see the "Caution: Wet Floors" sign. Last month an orderly slipped while pushing a patient. You have been told the hospital floors need to be washed several times a day because of constant foot traffic from the outside. You know that the new, high-gloss flooring is very slippery when wet and you are concerned about this.

1. What are the hazards in this situation?
  
  
  
  
  
  
  
  
  
  
2. What OSHA rights might be useful to you and your co-workers in this situation?
  
  
  
  
  
  
  
  
  
  
3. What steps could you take to use the OSHA rights you have selected?

**Responding to Health and Safety Problems on the Job**  
**Scenario #2**  
**(Facilitator's Answer Sheet)**

You are an orderly on the 6<sup>th</sup> floor of the We Care Hospital. Last week Domingo, a co-worker, slipped while carrying a load of towels and dislocated his shoulder. The towels blocked his vision and he didn't see the .Caution Wet Floors. sign. Last month an orderly slipped while pushing a patient. You have been told the hospital floors need to be washed several times a day because of constant foot traffic from the outside. You know that the new, high-gloss flooring is very slippery when wet and you are concerned about this.

1. What are the hazards in this situation?

- ☞ Floors are often slippery because they are washed several times a day and because the new flooring is very slippery when wet.
- ☞ Workers can't always see "caution" signs because they carry supplies that block their vision.
- ☞ Visitors are also in danger because they can't see signs until after they have entered the corridor.

2. What OSHA rights might be useful to you and your co-workers in this situation?

- ☞ Right to a workplace free of known hazards (the general duty clause.)
- ☞ Right to ask for and get information about safety and health hazards on the job.
- ☞ Right to take your complaint to OSHA without having your identity revealed.

3. What steps could you take to use the OSHA rights you have selected?

- ☞ Talk to other workers to see what they think about the problem and to brainstorm possible solutions.
- ☞ Find out how many times workers have slipped and fallen in the past 6 months.
- ☞ Go to your supervisor (better to go with a co-worker) to talk about the problem and possible solutions.
- ☞ If the situation does not improve call OSHA and ask for an inspection.
- ☞ If you have a union you may have a health and safety clause in your contract or a union health and safety committee

## Responding to Health and Safety Problems on the Job Worksheet for Scenario #3

You are a secretary in a large insurance firm and spend most of your day sitting in front of a computer, at a desk next to a window. You are short and the desktop is too high for you. The company has laid off some workers and your workload has grown. Recently the company installed video cameras to monitor the clerical workers. Over the past two months you have developed a nervous stomach and headaches. You would complain to your supervisor, but you can't afford to lose your job.

1. What are the hazards in this situation?
2. What OSHA rights might be useful to you and your co-workers in this situation?
3. What steps could you take to use the OSHA rights you have selected

**Responding to Health and Safety Problems on the Job**  
**Worksheet for Scenario #3**  
**(Facilitator's Answer Sheet)**

You are a secretary in a large insurance firm and spend most of your day sitting in front of a computer, at a desk next to a window. You are short and the desktop is too high for you. The company has laid off some workers and your workload has grown. Recently the company installed video cameras to monitor the clerical workers. Over the past two months you have developed a nervous stomach and headaches and you have pain in your arms. You would complain to your supervisor, but you can't afford to lose your job.

1. What are the hazards in this situation?

- ☞ Computer problems: long hours at the computer (with no breaks?), glare on the monitor from the window, bad angle for hand to use the mouse and keyboard, etc.
- ☞ Stress: heavy workload, constant video monitoring, fear of job loss

2. What OSHA rights might be useful to you and your co-workers in this situation?

- ☞ Right to a workplace free of known hazards (the general duty clause.)
- ☞ Right to ask for and get information about safety and health hazards on the job.
- ☞ Right to take your complaint to OSHA without having your identity revealed.

3. What steps could you take to use the OSHA rights you have selected?

- ☞ Talk to your co-workers to see if others are experiencing similar problems and what they think can be done.
- ☞ Go to your supervisor (better to go with co-workers) to talk about the problem and possible solutions – for example having chairs and desks that fit each worker and antiglare screens for the monitors. You might also raise the issue of workloads and see if there is a way to distribute the work more evenly.
- ☞ Find out how many times workers have missed work because of computer and stress related issues.
- ☞ If you have a union you may have a health and safety clause in your contract or a union health and safety committee.

## Responding to Health and Safety Problems on the Job Worksheet for Scenario #4

You work in the administration of a community college. It is housed in an old building, and there has not been money to make needed repairs. In the last few months, you have noticed an unpleasant odor in the air. You have also noticed that you have been feeling irritable and getting frequent headaches. A couple of your co-workers in the same area have mentioned the odor, and one of them has also complained of headaches.

1. What are the hazards in this situation?
2. What safety and health rights might be useful to you and your co-workers in this situation?
3. What steps could you take to use the rights you have selected



## **Responding to Health and Safety Problems on the Job**

### **Worksheet for Scenario #4**

#### **(Facilitator's Answer Sheet)**

You work in the administration of a community college. It is an old building, and there has not been money to make needed repairs. In the last few months, you have noticed an unpleasant odor in the air. You have also noticed that you have been feeling irritable and getting frequent headaches. Some of your co-workers in the same office area have also noticed the odor, and one of them has also complained of headaches.

1. What are the hazards in this situation?

- ☞ Bad air could be the result of mold, or possibly other contaminants in an old building

2. What safety and health rights might be useful to you and your co-workers in this situation?

In Massachusetts, you are covered under the State Employees Occupational Safety and Health Law. Public workers in other states should see whether their state has a public sector OSH law; most do.

- ☞ Right to a workplace free of known hazards
- ☞ Right to ask for and get information about safety and health hazards on the job.
- ☞ Right to file a “Notice of Alleged Safety and/or Health Hazard” with the Department of Labor Standards, without having your identity revealed.

3. What steps could you take to use the rights you have selected?

- ☞ Talk to your co-workers to see how many others are experiencing similar problems and what they think can be done.
- ☞ Find out how many times workers have missed work because of this problem.
- ☞ Go to your supervisor (better to go with co-workers) to talk about the problem and possible solutions – for example, bring in an expert to monitor the air quality.
- ☞ As a state employee in Massachusetts, you are probably represented by a union, which may have a health and safety clause in its contract or a union health and safety committee. If you are a non-union employee, you could alert the union that represents co-workers in your area.

## **Flipcharts for MODULE 6: Health and Safety Protection and Workers Compensation**

### **Flipcharts for Welcome and Introductions**

#### **Objectives**

- to identify some workplace health and safety hazards
- to review the legal right to a hazard-free work place under the Occupational Safety and Health Act and the Massachusetts State Employee Occupational Safety and Health Law
- to practice evaluating and responding to work place hazards
- to review what Workers Compensation provides to workers injured on the job

#### **Agenda**

- Welcome and Introduction
- What Are Some Workplace Health and Safety Hazards?
- The Legal Right to a Safe Workplace
- Responding to Health and Safety Problems on the Job
- Workers' Compensation: What to do if you are injured
- Summary

### **Flipchart for Activity 1 (title only)**

#### **Some Workplace Hazards**

### **Flipcharts for Activity 3 (title only; 1 for each of the Scenarios you choose)**

#### **Scenario 1**