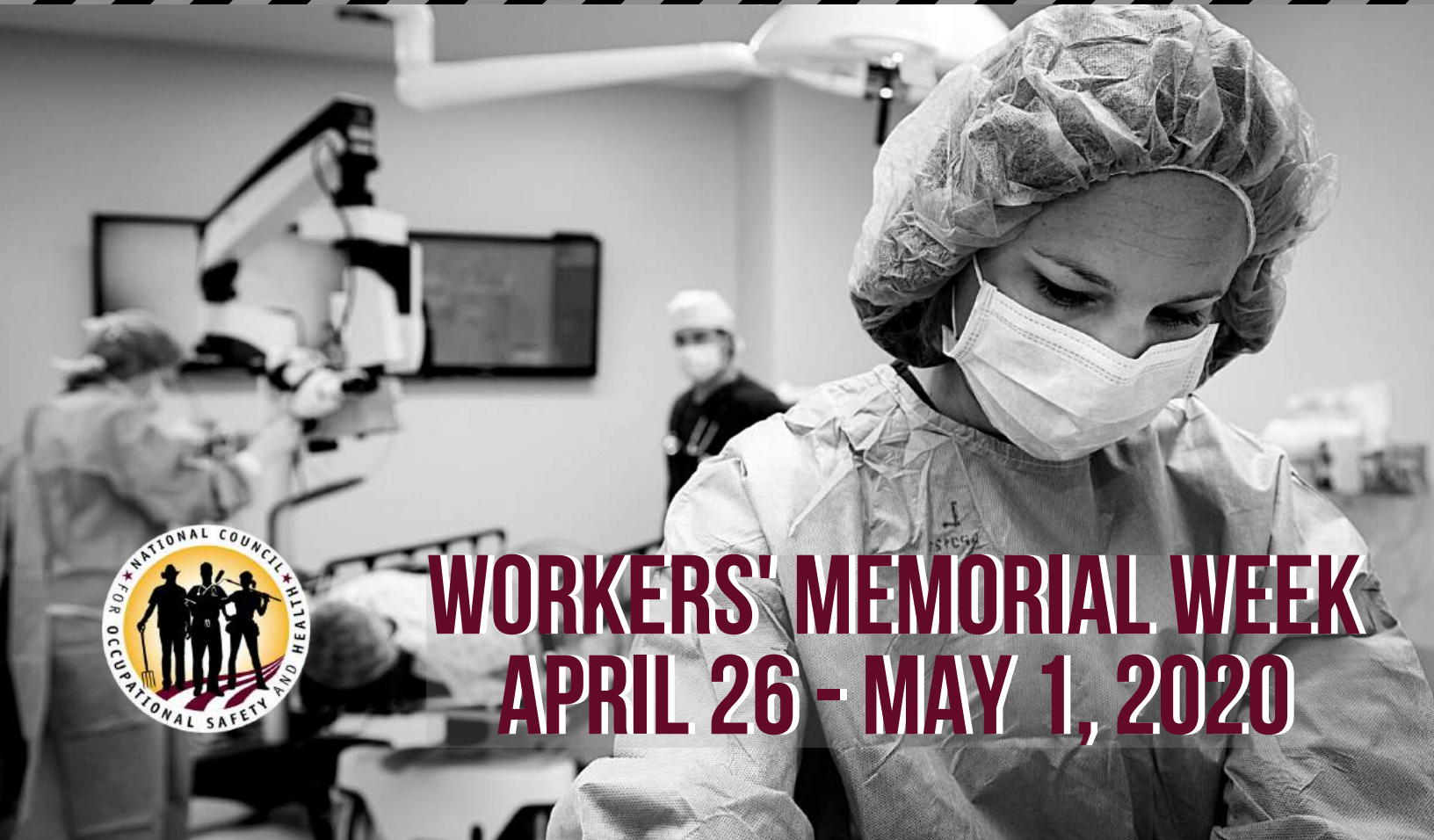


# DIRTY DOZEN 2020

**SPECIAL  
CORONAVIRUS  
EDITION**



**WORKERS' MEMORIAL WEEK  
APRIL 26 - MAY 1, 2020**

# DIRTY DOZEN 2020 SPECIAL CORONAVIRUS EDITION



## OUR MISSION

The National Council for Occupational Safety and Health (National COSH) is dedicated to promoting safe and healthy conditions for all working people through education, training, organizing, and advocacy. We are a federation of twenty-two local affiliates in sixteen states. We engage workers, labor and community allies to improve workplace conditions and practices; promote effective health and safety programs; organize direct action against egregious employers; and wage campaigns for effective safety and health policy.

Nearly all work-related injuries, illnesses and fatalities are preventable. National COSH supports workers who are acting to protect their safety and health; promotes protection from retaliation under job safety laws; and provides quality information and training about hazards and controls on the job and workers' rights.

## NATIONAL COSH TEAM

Jessica Martinez, Co-Executive Director

Marcy Goldstein-Gelb, Co-Executive Director

Peter Dooley, Safety and Health Senior Project Coordinator

Susi Nord, Website, Social Media and Conference Coordinator

Marianela Acuña Arreaza, Southern Regional Coordinator

Roger Kerson, Communications Consultant

ALL WORK HAS DIGNITY – AND ALL WORKERS HAVE A RIGHT TO SAFETY ON THE JOB.

# DIRTY DOZEN 2020

## SPECIAL CORONAVIRUS EDITION

### THIS REPORT IS DEDICATED TO:

#### **LI WENLIANG,**

**NATIONAL COSH 2020 WHISTLEBLOWER OF THE YEAR**

Dr. Li was the Chinese ophthalmologist from Wuhan who first told colleagues about the outbreak of a new SARS-like virus spreading in the region. Li was questioned and issued a letter of reprimand by local police in January and accused of “spreading rumors.”

Dr. Li was exposed to COVID-19 while treating his patients; he died from the disease at Wuhan Central Hospital on February 7. China’s National Supervisory Commission has since concluded that actions by local authorities against Dr. Li were “improper.” The reprimand against him has been posthumously rescinded, and his family has been compensated.



#### **AND TO ALL FRONT-LINE WORKERS:**

**FARM WORKERS, FIRST RESPONDERS, GROCERY WORKERS, JANITORS, HEALTH CARE WORKERS, PHARMACY WORKERS, TRANSIT WORKERS, TRASH COLLECTORS, TRUCK DRIVERS, UTILITY WORKERS, WAREHOUSE WORKERS AND MANY OTHERS**

These brave workers, who face serious health risks at work every day, are continuing to do their jobs during an unprecedented global health crisis. Without them, the rest of us would not have access to food, water, shelter, health care and other necessities of life.

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*\* indicates an employer that risks worker health and safety during the COVID-19 pandemic*

## EXECUTIVE SUMMARY

**U.S. Workers at Risk:** The COVID-19 pandemic has exposed gaping flaws in the U.S. social and workplace safety net, which make it harder to bring the disease under control. More than 27 million Americans have no health insurance, 33.6 million have no paid sick leave and more than 21 million work insecure jobs in the gig economy.

**National COSH and the COSH Network Respond to COVID-19:** Activities include creating toolkits, webpages and other resources; campaigns to demand local, state and federal protections; connecting ill, laid off and frightened workers with essential resources; trainings on protections against infectious disease; and developing [Model Demands for Essentials Workers](#).

**U.S. Workplace Deaths Are Rising:** 5,250 U.S. workers died from workplace trauma in 2018, an 8.9 percent increase since 2014. Fatalities are rising even faster for workers of color: a 19.5 percent increase over the same period for Latinx workers, and a 29.5 percent increase for African American workers.

**More Deaths, Less Enforcement:** Even though fatalities are rising, workplace inspections by the U.S. Occupational Safety and Health Administration (OSHA) dropped by 10.5 percent between 2014 and 2018. OSHA now has just 875 inspectors to cover 9 million U.S. workplaces.

**The Low Price of a Worker's Life:** The price of a worker's life is now \$7,761 – the median fine imposed on employers by U.S. OSHA following a workplace fatality. States with their own OSHA program have an even lower price tag -- a median fine of just \$2,700 after a worker dies on the job.

**Workers' Memorial Week: April 24 through May 1, 2020:** The Dirty Dozen report is released to mark Workers' Memorial Week, remembering those who have been injured, suffered illnesses or lost their lives at work. The event is observed nationwide — and around the world — by unions, surviving family members, and health and safety activists in workplaces and Communities.

## THE DIRTY DOZEN, 2020

**American Hospital Association:** Fighting against coronavirus protections for health care workers

**Chipotle:** Despite the coronavirus pandemic, restaurant chain still violates sick leave Policies

**Eulen America:** Months after OSHA Fines, workers still exposed to infectious disease risk of blood-borne pathogens and other hazards

**Fieldale Farms:** Preventable deaths and injuries – and a line speed-up hazard **Hard Rock Café International/ 1031 Canal Development LLC/Citadel**

**Building/Heaslip Engineering and 10 subcontractors:** Three workers dead; dozens injured; a witness deported

**Lincoln Recycling Services:** Three worker deaths since 2016

**National Restaurant Association:** Lobbying against paid sick leave for millions of workers

**Sea Watch International:** Three workers dead – but company ignores warnings and declines safety training

**SGL Constructors – Skanska USA, Granite Construction, Lane Construction:** Five workers dead on massive highway project

**Tennessee Valley Authority/Jacobs Engineering:** 41 workers dead, 400 are sick after bungled clean-up of toxic coal ash

**Trader Joe's:** One fatality – so far – as company fights its own workforce and stores stay open despite confirmed COVID-19 Exposures

**Victoria's Secret/L Brands/Voyant Beauty:** "A Culture of Misogyny" at fashion firm; supplier tolerates harassment and fails to prevent against COVID-19

## DISHONORABLE MENTION:

**Amazon:** Six fatalities, hundreds of injuries due to breakneck pace of next-day delivery; at least one dead from COVID-19

**Montefiore Hospital – Moses Campus:** Nurses say hospital hasn't protected workers and patients from the spread of COVID-19.

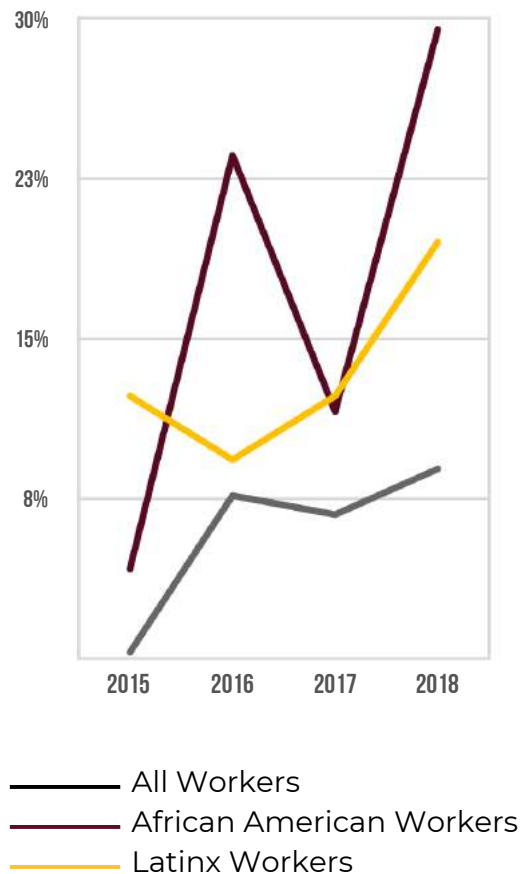
**Smithfield Foods:** The worst COVID-19 hot spot in the nation at Sioux Falls, SD plant. More than 700 confirmed cases, at least one worker has died.

**Tyson Foods:** Company responds slowly to COVID-19; three dead in a Camilla, GA poultry plant.

## U.S. WORKPLACE DEATHS ARE RISING

Preventable deaths from sudden workplace trauma – including falls, slips and trips, exposure to harmful substances and environments, contact with objects and equipment and other causes – have increased steadily over the past five years, rising 8.9 percent from 4,821 in 2014 to 5,250 in 2018.

Alarming, over the same five-year period, deaths from workplace trauma for workers of color have risen even faster, increasing by 19.5 percent for Latinx workers and by 29.5 percent for African-American workers. [According to public health experts](#), this increased risk of workplace injury and death reflects “a long history of racial/ethnic minority groups’ facing the worst job conditions.”



# 8.9%

increase in total worker deaths

# 29.5%

increase for African-American workers deaths

# 19.5%

increase for Latinx workers deaths

Sources: [U.S. Bureau of Labor Statistics, Health Affairs, 36, NO. 2 \(2017\)](#).

## MORE DEATHS, LESS ENFORCEMENT

Even as deaths from workplace trauma are rising, enforcement activity by the U.S. Occupational Safety and Health Administration (OSHA) is falling. Between 2014 and 2018, OSHA inspections decreased by 10.5%. U.S. OSHA now has just 875 inspectors to cover 9 million U.S. workplaces. It will take 165 years, with current resources, for Federal OSHA to inspect all workplaces under its jurisdiction.

INCREASING DEATHS

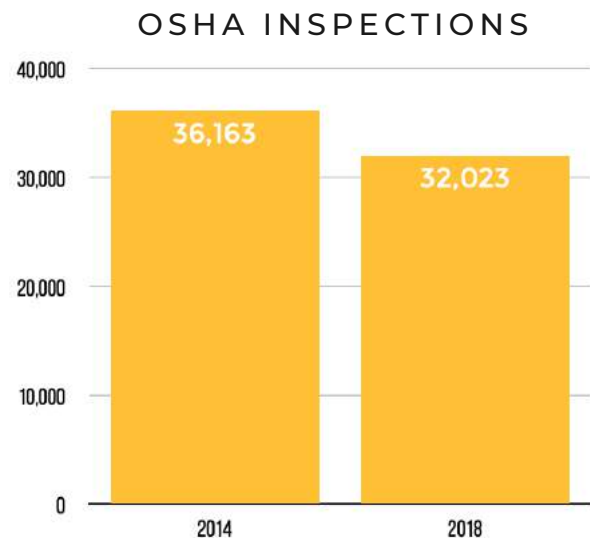
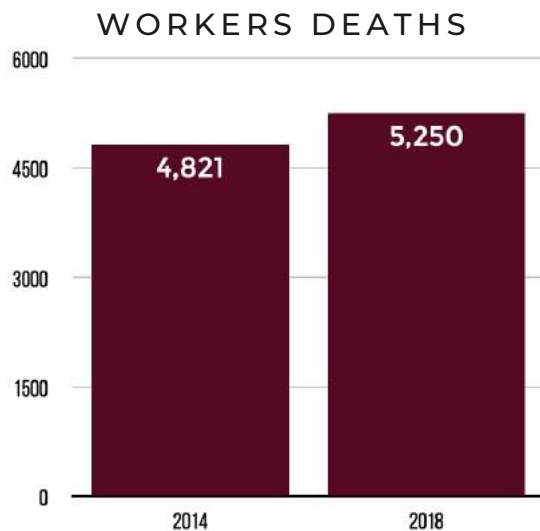
↑ **8.9%**

DECREASING INSPECTIONS

↓ **10.5%**

WORKPLACES PER OSHA INSPECTOR

**10,285**



Sources: [National Employment Law Project, 12/17/2019](#); [AFL-CIO, April 2019](#); [U.S. Bureau of Labor Statistics, 12/17/2019](#)



# DIRTY DOZEN 2020 SPECIAL CORONAVIRUS EDITION

## THE LOW PRICE OF A WORKER'S LIFE

The price of a worker's life is now \$7,761 – the median fine imposed on employers by U.S. OSHA following a workplace fatality.

States with their own OSHA program have an even lower price tag -- a median fine of just \$2,700 after a worker dies on the job.

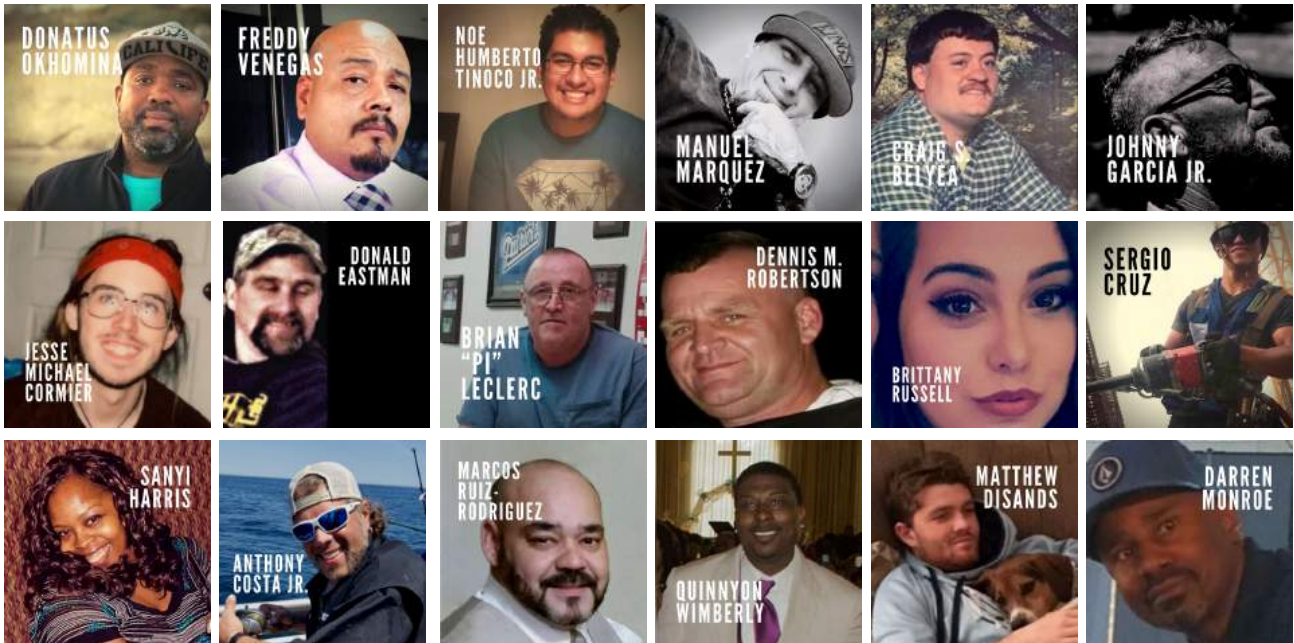
MEDIAN OSHA FINE FOR  
A WORKPLACE FATALITY

FEDERAL

# \$7,761

STATE

# \$2,700

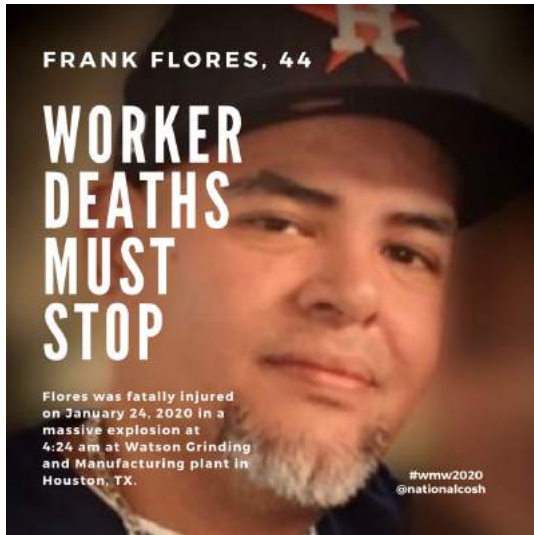


Some of the workers who have died from work-related injuries in the last year.

Source: [AFL-CIO, April 2019](#)

## WORKERS' MEMORIAL WEEK

APRIL 24-MAY 1, 2020



This report is released to mark Workers' Memorial Week, honoring those who have been injured, suffered illnesses or lost their lives at work. The event is observed nationwide — and around the world — by unions, surviving family members, and health and safety activists in workplaces and communities. It coincides with the anniversary of the U.S. Occupational Safety and Health Act, which took effect on April 28, 1971.

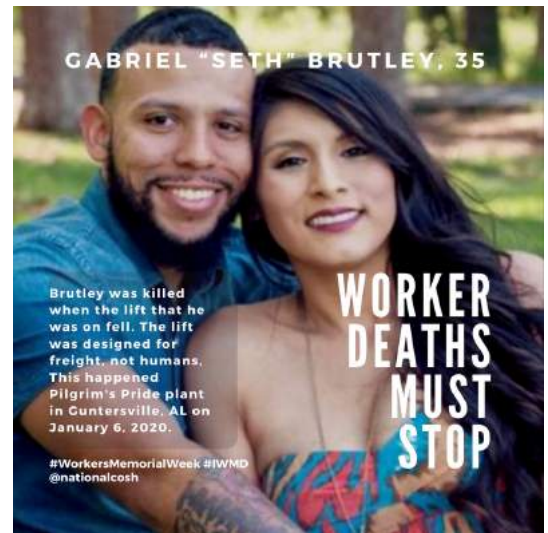
The Dirty Dozen report takes on special significance this year. The COVID-19 pandemic has paralyzed huge sections of the global economy, while elevating the life-saving importance of health care, sanitation, transport, logistics, power generation, the production and distribution of food, medicine and medical equipment, and other sectors.

Sadly, we have identified several employers and trade associations who have not taken proper steps to protect workers from the risk of infectious disease, despite the well-documented health risks of COVID-19. In some situations, irresponsible actions by employers and their representatives have actually increased the risks faced by front-line workers.

And as we find every year, many employers continue to subject workers to unnecessary hazards at work that lead to preventable deaths, illnesses and injuries.

## THE 2020 DIRTY DOZEN

To compile the Dirty Dozen, National COSH solicited information from our network of health and safety activists about companies that put workers and communities at risk. Criteria for inclusion include: workers at risk during the current public health crisis; severity of injuries; exposure to unnecessary and preventable risk; repeat citations by relevant state and federal authorities; and activity by workers to improve their health and safety conditions.



## AMERICAN HOSPITAL ASSOCIATION FIGHTING AGAINST CORONAVIRUS PROTECTIONS FOR HEALTH CARE WORKERS



The health and well-being of doctors, nurses, respiratory therapists and other health care workers is vital during the CoVid19 pandemic. Health care facilities are the epicenters for confronting the illness. The health of these workers and the patients they serve as well as the general public cannot be understated. Many of the current outbreaks of COVID-19 have been traced to health care facilities. Health care workers cannot be easily replaced; if many become ill, the U.S. healthcare system will become badly compromised precisely when capacity is most needed.

Incredibly, the [American Hospital Association \(AHA\) is opposing rigorous protections](#) that can keep workers healthy so they can provide service to sick patients.

After the H1N1 flu epidemic, US OSHA began work on an infectious disease standard. It would require hospitals and other employers to provide protective gear and make specific plans to control infections. In 2017, the draft regulation was almost complete – but put on a back burner for “long term action.”



During the current crisis, [workers and their unions say this delay must end; OSHA must issue a temporary emergency standard](#). As part of the first bill responding to Coronavirus, members of Congress tried to include language requiring the agency to act, but AHA lobbied – successfully – to have the provision removed. “It is unfortunate,” says Bonnie Castillo of National Nurses United, that AHA “is encouraging its member hospitals to adopt minimum rather than optimum standards.”

AHA also opposes an OSHA standard to [protect health care workers from workplace violence](#) and [lobbied to rescind an agency rule](#) which protects against the spread of tuberculosis.

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Sources: [Politico, 3/13/20](#); [Roll Call, 3/13/20](#); [Occupational Health and Safety, 11/25/2019](#); [Mother Jones, 03/20](#); [Relias Media, 3/1/2004](#); [Action Network](#)

## CHIPOTLE



### DESPITE THE PANDEMIC, RESTAURANT CHAIN STILL VIOLATES SICK LEAVE POLICIES

Chipotle, a \$2.3 billion restaurant chain, has every reason to be vigilant about food safety and the well-being of its workers. In 2015, [hundreds of Chipotle customers became sick](#) from exposure to E. coli, salmonella and norovirus.

Chipotle responded by announcing new food safety measures, but the incidents continued over the next three years. [The company admitted](#) that before a 2017 norovirus outbreak at a Virginia restaurant, a manager required an employee to report to work despite being sick.

Has the firm learned that keeping workers safe and healthy is vital to protecting its customers – and its own reputation? Apparently not.

- In February 2020, [Chipotle paid \\$2,500 to settle a violation of the New York City's paid sick leave law](#), after a worker was fired for using her sick time.
- Eleven other workers have filed complaints, stating pressure to work while sick and other violations of NYC paid sick leave law.



*Chipotle workers protest the company's policies*

## CHIPOTLE (CONTINUED)



- Also in February, a report by the National Consumers League (NCL) and SEIU 32BJ found that despite company policy, workers are routinely pressured to work when sick and face retaliation if they don't report for their shifts.
- The NCL/SEIU report found multiple cases of workplace injuries and hazards, including lacerations, amputations and burns.
- In one especially frightening incident, a San Jose, CA Chipotle worker named **Austin Melton** was locked inside a freezer in retaliation for complaining about sexual harassment. The U.S. Equal Opportunity Employment Commission filed a complaint on Melton's behalf, [and Chipotle paid \\$95,000 to settle the case.](#)



*Chipotle Workers taking action against the company's disregard for paid sick leave policies*

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Sources: [CNBC, 7/25/2017](#); [Washington Post, 12/9/2015](#); [New York Daily News, 2/26/2020](#); [National Consumers League and SEIU 32BJ, 2/2020](#); [The Gothamist, 3/6/2020](#); [Fresno Bee, 5/14/2018](#); [US EEOC, 12/4/2019](#)

## EULEN AMERICA

### MONTHS AFTER OSHA FINES, WORKERS STILL EXPOSED TO BLOOD-BORNE PATHOGENS AND MORE

In April 2019, responding to public worker complaints, [U.S. OSHA began an investigation of working conditions](#) at Eulen America. The firm provides cabin cleaning, baggage handling and other services for American, Delta and other airlines.

In October, [OSHA cited Eulen America for serious safety violations](#) at Miami International Airport, including: failure to develop and implement a written exposure control plan for employees who are exposed to occupational bloodborne pathogens and other potentially infectious materials, when handling sharps and cleaning up blood; failure to protect against heat exhaustion, despite high temperatures; and exposure to cockroaches and other insects. Eulen agreed to pay fines of more than \$46,000, reduced from OSHA's initial recommendation of over \$77,000.

Months later, airport workers say they are still exposed to dangerous hazards – including infectious diseases. "They're not giving coronavirus the importance it is due," [a worker told the Miami New Times](#), using a pseudonym due to fear of employer retaliation. The worker says she has been assigned to clean "fecal matter, urine, vomit, everything" without proper protective equipment.



*Eulen Workers on strike at Fort Lauderdale Airport*

Eulen workers at JFK have also raised issues, in July 2019 Hacheler Cyrille filed a pregnancy discrimination complaint alleging that the company did not accommodate her request for a chair.

In June 2019, Eulen workers at Miami International Airport and Fort Lauderdale-Hollywood International Airport struck to protest Eulen's disrespect of employees' rights on the job and health and safety problems; Eulen workers at John F. Kennedy International Airport walked off the job due to the company's failure to pay the New York State laundry allowance, and refusing to allow employees to accrue sick leave in accordance with New York City law. Earlier in the year, [Miami's CBS4 asked Eulen about workers' concerns](#) and reached CEO Xavier Rebell. "I'm not the right person to discuss this with you," he said. "I'm the CEO of the company."

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Sources: [Miami Herald 11/27/2019](#); [US Occupational Safety and Health Administration](#), [Miami New Times 3/14/2020](#); [New York Daily News, 10/1/2019](#); [TV-4 Miami, 4/21/2019](#); [AviationPros.com, 6/27/2019](#)

## FIELDALE FARMS

### PREVENTABLE DEATHS AND INJURIES — AND A LINE SPEED-UP



Two workers have died tragic, preventable deaths since 2015 at a Murrayville, GA plant operated by Fieldale Farms. The company bills itself as “one of the largest independent poultry producers in the world.” The company cannot claim to be an industry leader, however, with so many documented failures to provide for the health and well-being of its workers.

- On January 15, 2020, [Fieldale sanitation worker Chit Tuay](#) fell into a scalding water tank he was cleaning, broke his neck and died. An OSHA investigation is underway.
- On July 7, 2015, [Ricardo Aburto was repairing a fluorescent light at the Murrayville facility](#), while standing in water. He contacted an electrical wire with his screwdriver and died as a result of electrocution. [U.S. OSHA levied a \\$4,900 fine against Fieldale Farms](#) (reduced from \$7,000) citing the company for failure to insulate the wire and leaving the light on while Aburto was repairing it.



*Chit Tuay, 38*

In addition to these tragic deaths, Fieldale workers at Murrayville have suffered severe [burns, lacerations, fractions and amputations of fingers and limbs](#) as a result of preventable workplace injuries.



## FIELDALE FARMS (CONTINUED)

Despite this abysmal safety record, the [U.S. Department of Agriculture has granted Fieldale Farms a waiver](#) to increase its line speed from 140 birds per minute to 175 birds per minute. Higher line speeds force poultry workers – who already suffer high rates of injuries – to work faster and with fewer precautions, resulting in even more injuries and illnesses.

Poultry workers at Fieldale and other slaughterhouse operations -- an essential part of the US food distribution system -- are working during the coronavirus pandemic. At a Perdue processing plant in Kathleen, GA, about 150 miles from Murrayville, workers walked off the job on March 23, 2020 frustrated by their employer's failure to provide adequate health protections.

"You want us to go back on the floor to work?" Perdue worker **Kendaliyn Granville** told WMAZ-TV. "No, first sanitize the line, something, because this is not a playing matter. This is not a game."

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Sources: [PoultryProducer.com, 1/20/2020](#); [ProPublica, 10/3/2019](#); [US Occupational Safety and Health Administration; WMAZ.com, 3/23/2020](#); [National COSH, 1/2020](#).

## HARD ROCK CAFÉ INTERNATIONAL / 1031 CANAL DEVELOPMENT LLC / CITADEL BUILDING / KEASLIP ENGINEERING AND TEN SUBCONTRACTORS

### THREE WORKERS DEAD; DOZENS INJURED; A KEY WITNESS DEPORTED

On October 12, 2019, a building under construction in downtown New Orleans – the future site of a Hard Rock Café hotel -- collapsed, killing construction workers Quinnyon Wimberly, Jose Ponce Arreola, and Anthony Magrette.

The site is owned by 1031 Canal Development, with Citadel Building as the general construction contractor.

Delmer Joel Ramirez Palma, a construction worker on the site, had notified supervisors of safety concerns prior to the collapse. Two days after three of his co-workers died, [Ramirez Palma was detained by U.S. Immigrations and Customs Enforcement \(ICE\)](#), while fishing in a Louisiana wildlife refuge. He was later deported to his native Honduras,

although his eyewitness account is an important part of any follow-up to prevent future deadly events.



*Delmer Joel Ramirez Palmer, a witness to and victim of the collapse was deported by ICE*

## WARD ROCK CAFÉ INTERNATIONAL (CONTINUED)

National COSH, joined by the New Orleans Center for Worker and Racial Justice, has petitioned for Ramirez Palma's return to the United States. In New Orleans, [more than 200 people marched on the site of the building collapse in January](#), outraged that the bodies of two victims – Wimberley and Ponce Arreola – had not yet been removed from the rubble.

In April, US OSHA called the collapse a “preventable tragedy” and announced [15 citations against 11 firms](#) with recommended fines of over \$300,000.

General contractor Citadel Building was cited for failure to provide adequate egress from the site, a violation that may have prevented more workers from escaping safely when the building collapsed.

Heaslip Engineering, a site contractor, was cited and fined over \$154,000 for providing floor beams “under-designed in load capacity” and “inadequately designed” structural steel.

The violations match complaints from Ramirez Palma and other workers, who reported that building supports could not properly handle the weight of the hotel under construction.

Other firms cited by OSHA include: F. Mata Masonry, King Company, HUTCO; REY.CO, Regional Mechanical Services, Southern Services and Equipment, S & S Construction and Consulting, and Suncoast Projects.

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Sources: [New Orleans Advocate 10/26/2019, 1/24/2020 and 4/2/2020](#); [US OSHA 04/3/20](#); [Washington Post 11/25/2019](#)

## LINCOLN RECYCLING SERVICES THREE WORKER DEATHS SINCE 2016

Horacio Diaz barely had a chance to celebrate the new year. On January 2 2020, the 61-year old worker was crushed to death while working at Lincoln Recycling Services in North Bergen, New Jersey. Diaz lost his life in a preventable incident when he was pinned in between a concrete wall and a dumpster.

US OSHA and the Hudson County Prosecutor are investigating Diaz's death. He is the third worker to die on the job at Lincoln Recycling since 2016.

- In December 2016, **Rigoberto Guerrero**, 52 a janitor at Lincoln Recycling, was crushed to death when a forklift fell on him. He had been assigned to operate the machine without proper training. OSHA investigated the incident and fined the company \$25,350.
- In June 2018, **Angelo Maietta**, 31, a truck driver for a different firm, was hit and killed by a payloader when making a drop off at Lincoln Recycling. OSHA is still investigating this incident.



Despite this terrible record of preventable deaths, Lincoln Recycling management has failed to change the way it does business. After three worker deaths in just over three years, the company is apparently still unable to provide a safe working environment for all employees, as required by federal law.

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Sources: [Hudson Reporter 1/8/2020](#); [NewJersey.com, 9/26/2017](#) and [6/4/2018](#)

## NATIONAL RESTAURANT ASSOCIATION



### LOBBYING AGAINST PAID SICK LEAVE FOR MILLIONS OF WORKERS

A key method to slow the deadly coronavirus is for those who become sick to stay home to prevent the spread of infection. This life-saving strategy is difficult to implement in the United States, the [only developed country in the world](#) that does not provide paid sick leave for all workers.

Why is the U.S. so far behind other countries? One reason is a years-long lobbying effort by the **National Restaurant Association**. In 2014 the Association's magazine, *Restaurant Business*, warned readers: "[Paid Sick Leave Bills Spread Like the Flu](#)." NRA Executive Vice President Scott DeFife argued that such measures are unnecessary because "most restaurants offer some form of paid leave."

In fact, a 2010 [survey of 4,300 workers](#) by the Restaurant Opportunities Center found 87.7 percent do not have any paid sick days. Local organizing has brought progress in recent years, with a dozen states and 21 localities now requiring this benefit.



These measures are important to protect public health. In 2016, the [National Bureau of Economic Research](#) found that "influenza-like disease rates decrease significantly when employees gain access to paid sick leave."

Nevertheless, the NRA and its state affiliates have worked to block paid leave requirements, including a [\\$100,000 campaign](#) to defeat a Denver ballot initiative, [suing to overturn a Pittsburgh law](#), and a ["CrimeMattersABQ" website](#) urging legislators to focus on "rampant" crime instead of "plastic bag bans and complicated sick leave rules."

## NATIONAL RESTAURANT ASSOCIATION (CONTINUED)

After intense lobbying efforts by the NRA and other business groups, [23 states now prohibit local jurisdictions](#) from even considering paid leave ordinances, creating an even greater need for federal action. The initial coronavirus bill passed by Congress includes a temporary provision for paid leave, but it excludes 80 percent of U.S. workers by leaving out businesses with more than 500 workers and allowing businesses with less than 50 workers to apply for exemptions.

In a [March 18 appeal to Congress](#), the Restaurant Association asked for a \$145 billion relief fund for restaurant owners and another \$180 billion in loans, insurance and disaster aid. There is no mention of paid sick leave, reimbursement for lost wages, or any other help for restaurant workers.

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Sources: [The World, 3/13/2002](#), [Restaurant Business, 3/19/2014](#) and [8/16/2019](#); [National Bureau of Economic Research, 8/6/2016](#); [Huffington Post, 12/6/2017](#); [Economic Policy Institute](#); [National Restaurant Association, 3/18/2020](#)

## SEA WATCH INTERNATIONAL THREE WORKERS DEAD – BUT COMPANY IGNORES WARNINGS AND DECLINES SAFETY TRAINING



*William Couto*



*Victor Gerena*



*Paul Sayward*

In January 2014, **Victor Gerena**, 35, died when his clothes became tangled in a machine he was cleaning at a **Sea Watch International** seafood processing plant in New Bedford, Massachusetts. He died from severe head trauma.

U.S. OSHA cited the company for seven serious violations, including failure to lockout a machine while it was being cleaned, and proposed fines of over \$35,000 (later reduced to \$26,600).

This worker should not have died. This death was preventable” [said OSHA Area Director "Brenda Gordon in 2014.](#) “It is the employer's responsibility... to ensure that these hazards, and the dangers they pose to workers, do not occur again.”

Tragically, Sea Watch has not faced up to its responsibilities – and two more workers have lost their lives.

In January 2019, **William Couto**, 61, a maintenance technician at Sea

## SEA WATCH INTERNATIONAL (CONTINUED)

Watch, [was crushed to death in almost exactly the same circumstances that killed Victor Genera](#): His clothes became caught in the motor of a machine he was repairing, dragging him into the machine.

“Sea Watch International is a killer, plain and simple,” [said MassCOSH Executive Director Jodi Sugerman-Brozan](#). “The fact that William died in a way almost identical to Victor indicates that Sea Watch sees these tragic losses as the cost of doing business.”

In February 2020, Paul Sayward, 36, was knocked overboard and drowned after being hit by a hose on the deck of a Sea Watch fishing vessel, 50 miles off the coast of Nantucket.

Sea Watch’s New Bedford facility is staffed almost entirely by contract workers from a temporary labor agency, many of whom are immigrants. Following the 2014 death of Victor Genera, a local workers’ center, the Centro Comunitario Trabajadores, offered to work with Sea Watch to provide safety training in languages workers can understand. [The company declined the offer.](#)

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Sources: [U.S. OSHA, 6/9/014](#), [Boston Globe 1-18-2019](#); [South Coast Today, 2/26/2020](#), [Massachusetts Coalition for Occupational Safety and Health, 1/18/2019](#)



## SGL CONSTRUCTORS: SKANSKA USA, GRANITE CONSTRUCTION, LANE CONSTRUCTION FIVE WORKERS DEAD ON MASSIVE HIGHWAY PROJECT

In 2015, Florida unveiled a “public private partnership” to rebuild 21 miles of Interstate 4, running through downtown Orlando. I4 Mobility Partners, a private consortium, will receive a decades-long revenue stream from new toll lanes on the roadway, previously free to motorists.

The consortium hired SGL Constructors – made up of Skanska USA, Granite Construction and Lane Construction – to complete the project. The public-private approach is intended to deliver results on time and at lower cost.

Instead, the result has been long delays, \$100 million in cost overruns – and devastating tragedy for construction workers. [Five workers have died while building I-4 since 2015](#), one for every 4.2 miles of roadway.

- Ulises Corrales Ibarra, 37, an SGL worker [was crushed to death in September 2019](#) when an unsecured cement girder fell on him.
- James Mills, 59, an SGL worker was killed in February 2019 when a 20 foot steel pipe rolled off a trailer and onto his body. [U.S. OSHA fines SGL \\$13,260 for a serious violation.](#)



*Ulises Corrales Ibarra*

## SGL CONSTRUCTORS (CONTINUED)

- Michael Tolman, 56, an ironworker and employee of subcontractor Shelby Erectors, was killed in March 2018 when a rebar cage fell on him. [U.S. OSHA fined Shelby Erectors \\$12,934 for a serious violation.](#)
- Curtis Popkey, 59, an employee of subcontractor Central Federal Underground [was struck by a piece of steel and killed on the I-4 jobsite](#) in December 2016. U.S. OSHA investigated but levied no fines.
- Marvin Franklin, 34, an SGL worker died after being run over by a dump truck in February 2016. OSHA fined SGL \$12,471, [stating the tragedy “would not have occurred”](#) if the company had a proper traffic control program.

An engineering expert [told \*The Orlando Sentinel\*](#) that a hazard of turning public projects over to private firms is that when confronted with delays and rising costs, companies may “search for ways to cut losses... cutting corners.”



Curtis Popkey



Marvin Franklin

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Sources: [Orlando Sentinel 10/25/2019](#); [US OSHA, Construction Dive 8/20/2019](#); [WFTV, 2/4/2016](#); [WESH-TV, 10/1/2019](#)

## TENNESSEE VALLEY AUTHORITY/ JACOBS ENGINEERING

### 41 WORKERS DEAD, 400 ARE SICK AFTER BUNGLED CLEAN-UP OF TOXIC COAL ASH



In December 2008, more than a billion gallons of toxic ash and sludge were released after a waste storage pond collapsed at a coal-fired power plant in Kingston, TN. The plant is operated by the Tennessee Valley Authority (TVA), the nation's largest publicly-owned utility. TVA hired Jacobs Engineering to clean up the enormous spill, agreeing to pay the firm's legal bills in the event of litigation.

Jacobs badly bungled the job, exposing 900 workers to a [toxic stew of heavy metals and chemicals](#), including arsenic, chromium, lead, mercury and thallium.

Twelve years later, more than 40 of the clean-up workers are dead from diseases linked to toxic exposure, and hundreds more suffer debilitating illnesses. Workers and their families have filed multiple lawsuits. As reported by [The Knoxville News Sentinel](#):

*Jacobs' safety managers denied workers protective masks or respirators and Tyvek body suits, destroyed boxes of dust masks when workers sought to wear them and tampered with tests designed to protect them, according to depositions and trial testimony.*

## TENNESSEE VALLEY AUTHORITY/ JACOBS ENGINEERING (CONTINUED)

“They didn’t want people driving by seeing them out there wearing those dust masks,” Brad Green a foreman on the project, [told the newspaper](#). “The public had a big lawsuit going over the fly ash and they didn’t want to add fuel to the fire.”

A group of workers and their families [won the first phase of a lawsuit against Jacobs Engineering in November 2018](#), when a jury found the contractor had failed to keep workers safe. A second phase will determine whether illnesses and deaths can be linked to specific exposures.

In February 2020, [a grand jury in Roane County, Tennessee](#), supported District Attorney Russell Johnson’s recommendation for probe into possible criminal charges “pertaining to cleanup worker safety.”

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Sources: [Knoxville News Sentinel, 7/21/2017](#) and [8/16/2019](#); [Associated Press, 8/28/2019](#), [Chattanooga Times Free Press, 2/12/20](#)

## TRADER JOE'S

### ONE FATALITY — SO FAR — AS COMPANY FIGHTS ITS OWN WORKFORCE AND STORES STAY OPEN DESPITE CONFIRMED COVID-19 EXPOSURES



Grocery workers are essential to our food supply – and at high risk during the COVID-19 pandemic, laboring in high-density workplaces occupied by thousands of co-workers and shoppers each day.

These conditions have already claimed the life of one worker at Trader Joe's. An employee who worked at the company's Scarsdale, NY store [died from COVID-19 on April 6](#). The grocery chain closed the store and allowed workers time off with pay.

**“OUR COMPANY IS LETTING US DIE.”**

In other locations, however, Trader Joe's employees say the company is not paying enough attention to worker safety concerns, while putting too much focus on fighting a longstanding union organizing drive.

- In Westbury New York Trader Joe's employee [Sammy Almlah](#) [told BuzzFeed](#) two of his co-workers have tested positive for COVID-19. The store remains open, and paid sick leave is not available without a confirmed diagnosis. “I feel nervous going in because of my asthma and the fact that my girlfriend is immunocompromised,” Almlah said. “I can't afford to not work unless I'd be getting paid time off, but that only will happen if I get COVID-19.”
- In Louisville, Kentucky, Trader Joe's worker [Kris King](#) was fired a day after he started a COVID-19 Facebook group for co-workers. “We don't operate by letting crew talk amongst themselves,” King was told by his manager, according to an interview the fired worker gave the [New York Times](#).

## TRADER JOE'S (CONTINUED)



- Trader Joe's has "aggressively opposed unionization," [reports the Times](#), sending anti-union memos in the midst of the pandemic. "Because a union has chosen to inject itself into the lives of our crew members during this time of crisis," said a company spokesperson, "we have no alternative but to remind and share with our crew members the facts." Workers also [told the Times](#) that some managers had "banned the use of gloves and masks", saying they might scare customers.
- [@TraderJoesUnion](#), a Twitter account run by union supporters, reports numerous instances of Trader Joe's stores remaining open despite positive or "likely positive" COVID-19 diagnoses.
- "Our company is letting us die," [@TraderJoesUnion tweeted on April 7](#), "because they don't want to hear our valid concerns or our collective considerations for improvement."

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Sources: [Westchester TV-12, 4/7/20](#); [Buzzfeed, 4/1/20](#); [New York Times, 04/2/20](#); [@TraderJoesUnion](#)

## VICTORIA'S SECRET/L BRANDS/VOYANT BEAUTY

### “A CULTURE OF MISOGYNY” AT FASHION FIRM; WORKER DIES FROM COVID-19 AT SUPPLIER WITH HISTORY OF HARASSMENT



Victoria's Secret in San Francisco

Victoria's Secret is known for high fashion, but the company has low standards for how it treats the workers who make its products – and for the models who display them to the public.

- Latinx women workers at **Voyant Beauty** (formerly known as Vee Pak), a Chicago-area firm that makes and packages beauty products for Victoria's Secret and other retailers, say managers demanded sexual favors in exchange for more desirable job assignments.

- After Voyant Beauty workers joined together to demand safer conditions, eight members of the organizing committee lost their jobs. The women filed complaints with the U.S. Equal Employment Opportunity Commission and the National Labor Relations Board, and were reinstated, with back pay.



Voyant Beauty workers demonstrate in front of a Victoria's Secret store in Chicago. Source: Chicago Workers' Collaborative, Labor Notes

## VICTORIA'S SECRET (CONTINUED)

- Voyant, which also produces hand sanitizer, has continued to operate during the coronavirus pandemic, but is forcing workers to operate in close quarters and failing to provide a safe and clean workplace. **Norma Martinez**, 43 years old, a mother of two who worked at Voyant Beauty, died on April 13th from the COVID-19 virus.
- [According to a February 2020 New York Times investigation](#), top executives at Victoria's Secret have for years tolerated "an entrenched culture of misogyny, bullying and harassment."
- The *Times* found that Ed Razek, former chief marketing officer at **L Brands** – parent company of Victoria's Secret – was the subject of repeated complaints. He tried to kiss models, groped them, and made inappropriate and demeaning comments.
- No action was ever taken against Razek, who left the company in 2019. But when PR director Monica Mitro complained about being harassed, she was locked out of her office and placed on administrative



Victoria's Secret NYC

leave. An employment lawyer called this "[a textbook case of how not to handle a sexual harassment complaint](#)."

Production workers and fashion models are cooperating to call for better workplace practices. On Valentine's Day 2020, members of the New York City-based Model's Alliance joined with Voyant Beauty workers – supported by the Chicago Workers' Collaborative – [to stage protests against Victoria's Secret in New York, Los Angeles and Chicago](#).

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Sources: [Labor Notes 2/21/20](#); [Univision Chicago, July 24, 2019](#); [New York Times, 2/1/20](#) and [2/03/2020](#)



## DISHONORABLE MENTION



Sadly, concerns about the failure to provide safe working conditions are not limited to just 12 employers. Below are additional employers that are exposing workers, families and communities to preventable risks, with particular focus on current hazards related to the COVID-19 pandemic.

### AMAZON

The world's largest online retailer, a two-time Dirty Dozen company in 2018 and 2019, is still operating in an unsafe manner that is far from what is required from an industry leader. [A BuzzFeed investigation](#) found six fatalities and hundreds of vehicle crashes attributed to the "super-pressurized, chaotic atmosphere" created by Amazon's rapid delivery system. As of this writing, [COVID-19 infections have been reported at 74 Amazon warehouses and delivery facilities](#). In response, Amazon has [fired employees](#) who are advocating for safe and sanitary working conditions.

Sources: [Buzzfeed, 9/6/2019](#); [Washington Post, 4/14/2020](#); [CNN, 3/31/2020](#)

### MONTEFIORE HOSPITAL, MOSES CAMPUS, BRONX NEW YORK

Montefiore, like other New York City hospitals, is coping with a large number of COVID-19 patients – 381 cases as of early April. Nurses at Montefiore, reports [The Wall Street Journal](#), "say the hospital system stumbled in creating protocols to prevent the disease's spread and is sending its workers out to the battlefield underprepared." Across the Montefiore system, which has multiple hospitals, 1,000 health care workers are in quarantine and 311 workers have confirmed cases of COVID-19.

According to the *Journal*, "Many nurses and doctors have symptoms, like dry coughs, but are being denied tests and remain working... Montefiore workers are angry that supervisors didn't take seriously alarm bells rung by health-care employees and the hospital hasn't done enough to protect workers and patients against transmission of the virus."

Source: [Wall Street Journal, 4/1/2020](#)

## DISHONORABLE MENTION



### SMITHFIELD FOODS

As of this writing, nearly 900 workers at the Smithfield's Sioux Falls, SD pork processing plant have confirmed cases of COVID-19, making it the largest coronavirus hot spot in the United States. As the outbreak spread, Smithfield announced it would close for three days for cleaning.

Sioux Falls Mayor Paul Ten Haken, "worried that Smithfield wasn't doing enough to stop the virus from spreading," according to National Public Radio, asked the company to close for at least two weeks. South Dakota Governor Kristi Noem joined the appeal on April 11, and the next day Smithfield announced the facility will be closed indefinitely. Smithfield worker Augustín Rodríguez, 64, died on April 14, the first confirmed COVID-19 death at the facility.

Sources: National Public Radio, 4/14/20; Dickinson Press, 4/11/2020; Argus Leader, 4/15/2020

### TYSON FOODS

Three workers have died from COVID-19 at Tyson's poultry processing plant in Camilla, Georgia. The Retail, Wholesale and Department Store Union (RWDSU), representing 2,000 workers at the facility, says Tyson's response to COVID-19 has been "too little, too late," citing "delayed distribution of personal protective equipment (PPE) to workers and the delayed implementation of social distancing protocols, protective barriers, and staggered start times and breaks..."

Sources: New York Times, 4/9/2020; RWDSU, 04/7/2020

## THE COSH NETWORK

National COSH serves as a convener and clearinghouse for the COSH Network, which includes local worker health and safety coalitions in communities across the United States. We work together to coordinate and share information about workplace safety, provide training for workers and advocate for elimination of preventable hazards in the workplace.

## NATIONAL OFFICES

National COSH – West  
3727 Camino del Rio South, Suite 210  
San Diego, CA 92108

National COSH – East  
337 Somerville Avenue,  
Somerville, MA 02143

## COSH GROUPS

Cincinnati Interfaith Workers  
Center  
215 East 14th Street  
Cincinnati, OH 45202  
513-621-5991  
[www.cworkers.org](http://www.cworkers.org)

Connecticut Council on  
Occupational Safety and Health  
(ConnectiCOSH)  
683 N. Mountain Rd,  
Newington, CT 06111  
860- 953- 2674

Central New York Occupational  
Health Clinical Center  
6712 Brooklawn Parkway  
Syracuse, NY 13211  
315-432-8899  
[ohccupstate.org](http://ohccupstate.org)

Equality State Policy Center  
419 S 5th St. Suite 1  
Laramie, WY 82070  
307-228-4163  
[equalitystate.org](http://equalitystate.org)

Fe y Justicia Worker Center  
(Houston COSH)  
1922 Common Street  
Houston, TX 77009  
713-862-8222  
[www.houstonworkers.org](http://www.houstonworkers.org)

Knox Area Worker Memorial Day  
Committee  
865-573-0655

## COSH GROUPS

Maine Labor Group on Health (MLGH)  
PO Box 5197  
Augusta, ME 04332  
207-622-7823  
[www.mlgh.org](http://www.mlgh.org)

Massachusetts Coalition for  
Occupational  
Safety and Health (MassCOSH)  
1532B Dorchester Ave.  
Dorchester, MA 02122  
617-825-7233  
[www.masscosh.org](http://www.masscosh.org)

Mid-State New York COSH  
701 W. State St.  
Ithaca, NY 14850  
607-275-9560

The Mississippi Workers'  
Center for Human Rights  
PO Box 1223  
Greenville, MS 38701  
662-334-1122

New Hampshire Coalition for  
Occupational Safety and Health  
(NHCOSH)  
161 Londonderry Turnpike  
Hookset, NH 03106  
603-232-4406  
[www.nhcosh.org](http://www.nhcosh.org)

New Jersey Work Environment  
Council (NJWEC)  
7 Dunmore Ave  
East Ewing, NJ 08618  
609-882-6100  
[njwec.org](http://njwec.org)

New York Committee for  
Occupational  
Safety and Health (NYCOSH)  
50 Broadway, 28th floor  
NY, NY 10004  
212-227-6440 (o)  
[nycosh.org](http://nycosh.org)

North East NY Coalition for  
Occupational  
Safety and Health (NENYCOSH)  
PO Box 38098  
Albany, NY 12203  
[nenycosh.org](http://nenycosh.org)

Northwest Arkansas Workers' Justice  
Center  
210 S Thompson St.  
Springdale, AR 72764  
479-750-8015

Philadelphia Area Project on  
Occupational  
Safety and Health (PhilaPOSH)  
3001 Walnut St., 5th Floor  
Philadelphia, PA 19104  
215-386-7000  
[philaposh.org](http://philaposh.org)

## COSH GROUPS

### Rhode Island Committee on Occupational Safety and Health (RICOSH)

741 Westminster St.,  
Providence, RI 02903  
401-751-2015

### Safe Jobs Oregon/NW Workers' Justice Project

812 SW Washington St  
Portland, Oregon 97205  
503-525-8454  
[nwjp.org/safejobsoregon](http://nwjp.org/safejobsoregon)

### Southern California Coalition for Occupational Safety and Health (SoCalCOSH)

1000 N Alameda St  
Los Angeles, CA 90012  
310.435.1423  
[www.socalcosh.com](http://www.socalcosh.com)

### South Florida Interfaith Worker Justice

13727 SW 152 St, PMB 256  
Miami, FL 33177  
305-598-1404  
[www.sfiwj.org](http://www.sfiwj.org)

### Western NY Council on Occupational Safety and Health (WNYCOSH)

2495 Main St., Ste 438  
Buffalo, NY 14214  
716-833-5416  
[wnycosh.org](http://wnycosh.org)

### Wisconsin Committee on Occupational Safety and Health (WisCOSH)

Milwaukee, WI  
414-933-2338  
[www.wiscosh.org](http://www.wiscosh.org)

### Worksafe

1736 Franklin St., Ste. 500  
Oakland, CA 94612  
510-922-8075  
[worksafe.org](http://worksafe.org)



Website: [www.nationalcosh.org](http://www.nationalcosh.org)

Facebook: [NationalCOSH](https://www.facebook.com/NationalCOSH)

Twitter: [@NationalCOSH](https://twitter.com/NationalCOSH)