UNSAFE AND RECKLESS EMPLOYERS RISKING THE LIVES OF WORKERS AND COMMUNITIES



WORKERS MEMORIAL WEEK APRIL 21 TO APRIL 28



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NATIONAL COSH

MISSION

The National Council for Occupational Safety and Health (National COSH) and the COSH Network are the home of the U.S. worker health and safety activist movement. We are a network of 27 grassroots worker groups across the U.S., focused on supporting worker leaders and organizing for health, safety, and a voice on the job.

No one should be killed by work and work-related injuries, illnesses, and fatalities are preventable. National COSH supports workers in speaking up to protect themselves and their coworkers and in claiming their rightful role as essential partners with employers and with policy and decision makers.

TEAM

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The National Council for Occupational Safety and Health

(National COSH) releases this list of Dirty Dozen unsafe employers as part of our observance of **Workers' Memorial Week**, which takes place this year from April 21st through April 28th.

These are unsafe and reckless employers, risking the lives of workers and communities by failing to eliminate known, preventable hazards – and in at least one case, actively lobbying against better protections for workers.

The Dirty Dozen are selected by the National COSH team, with nominations from local COSH groups, worker centers, unions, and worker leaders and advocates from across the country.

Criteria include:

- Severity of safety risks to workers
- Repeat and serious violations of safety standards and applicable laws.

- The position of a company within its industry and the economy and its ability to influence broader workplace standards
- Presence of a campaign by workers and/or allies to correct health and safety problems.

The 2024 Dirty Dozen are listed below in alphabetical order. Summary information follows; more detailed descriptions for each company begin on page 12.

- ALABAMA DEPARTMENT OF CORRECTIONS
- ASCENSION
- BLACK IRON REINFORCING
- COSTA FARMS
- FLORENCE HARDWOODS
- MAR-JAC POULTRY AND ONIN STAFFING
- SPACE X AND THE BORING COMPANY
- TYSON FOODS
- VALOR SECURITY AND INVESTIGATIONS
- UBER AND LYFT
- WAFFLE HOUSE
- WALMART



ALABAMA DEPARTMENT OF CORRECTIONS

Forced labor in Alabama prisons disproportionately targets Black men and women, who face hazardous conditions for \$2 a day or less. Private companies and state agencies make \$450 million a year from forced labor.

ASCENSION

Severe staff cuts create unsafe conditions for patients and workers at the nation's largest Catholic health care system. Nurses stand up for patients and win safe staffing ratios at an Ascension hospital in Texas.

BLACK IRON REINFORCING

Among other workplace injuries, a worker loses a thumb. Workers vote to join the Ironworkers union to improve conditions, but Black Iron has denied the election results, stalling the certification and bargaining process.



In 2021, a worker dies from heat exhaustion at a Costa Farms nursery in Miami. Two years later, company executives lobby against a Miami-Dade heat safety ordinance. In 2024, the Florida legislature bans all local heat protections.

FLORENCE HARDWOODS

In June 2023, 16-year old Michael Shuls is crushed to death inside a stalled conveyor at a lumber mill in northern Wisconsin. The company has been previously cited for failure to properly lock out and guard machinery – the same hazards that killed Shuls.







MAR-JAC POULTRY AND ONIN STAFFING:

Duvan Pérez, an immigrant teenager is killed at this poultry firm, which has a troubling history of safety violations. Teenagers are prohibited from working hazardous jobs and Mar-Jac blames Onin Staffing for illegally hiring Pérez. But Onin denies it was Pérez's employer.



SPACE X AND THE BORING COMPANY

Workers suffer crushed limbs, amputations, chemical burns and a preventable death at companies owned by billionaire Elon Musk. Workers say Musk is obsessed with speed, but disregards safety.

TYSON FOODS

Six workers have died on the job at Tyson since 2019, and over 140 others have suffered injuries from hazardous ammonia leaks. The company is also under investigation for illegally assigning children to dangerous, high-risk jobs.



UBER AND LYFT

Over 80 mobile app workers have been killed on the job since 2017. Internal documents show 24,000 "alleged assaults and threats of assault" against Uber drivers. Workers of color and immigrants bear the brunt of these dangers.



VALOR SECURITY AND INVESTIGATIONS

New York City firm is indicted for selling fake safety certificates, endangering workers who never receive any training. Construction worker Ivan Frias – with a "certificate" from Valor but never trained – falls to his death in 2022.



WAFFLE HOUSE

Restaurants in this 24-hour, 365-days-per-year chain "have developed a reputation as a hotbed for violence." A worker was shot and killed in 2022; multiple shootings already in 2024. Workers are organizing to win better safety and security.



WALMART

In 2022, Janikka Perry, pressured to avoid taking sick time, dies alone and crying out for help in a Walmart bathroom. Her family and colleagues demand better sick leave policies – and protections from workplace violence. Walmart stores have been the scene of over 1,100 shooting incidents since 2014, resulting in over 300 deaths.



WORKER SAFETY ALERT:

MORE DEATHS, MORE INJURIES, MORE CHILD LABOR – AND MORE RISKS FROM EXTREME HEAT

Across the United States, workers are organizing, striking and rallying to improve their wages and working conditions and to win a seat at the table when important decisions are made.

Workers in entertainment, manufacturing, health care, transportation and other industries won major contract gains in 2023. Across multiple sectors, there is renewed interest in joining unions, participating in workers' centers and connecting with advocacy campaigns.

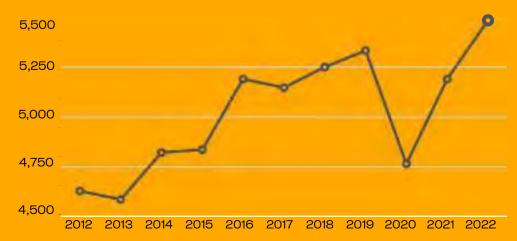
Workers who are fighting for something better confront a sad reality: Conditions in U.S. workplaces are getting worse. Preventable fatalities in U.S. workplaces are increasing. So are preventable illnesses and injuries. More children are working in violation of U.S. labor law, while many state governments are loosening restrictions on child labor. Meanwhile, on an everwarming planet, workers face greater risks when laboring in extreme heat, whether in indoor or outdoor settings.

All of these hazards are more severe for Black and Latino workers, and those with low incomes.

PREVENTABLE DEATHS

5,486 U.S. workers died from sudden workplace trauma in 2022, a 5.7% increase in preventable deaths from 2021 ¹

US DEATHS FROM SUDDEN WORKPLACE TRAUMA, 2012-2022



5,486
U.S WORKERS
DIED FROM
SUDDEN TRAUMA

5.7% INCREASE FROM 2021

Source: U.S. Bureau of Labor Statistics

RACE, ETHNICITY AND PREVENTABLE DEATHS

The tragedy of preventable deaths in the workplace affects all workers from every race and ethnicity.

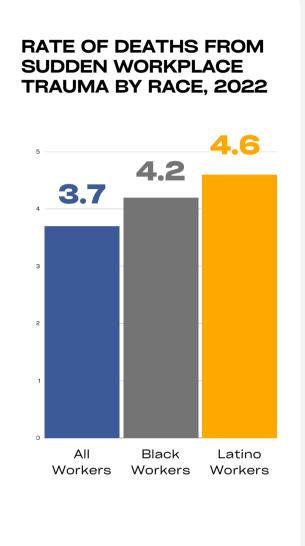
The data is clear, however, that due to past and ongoing discrimination, **Black** and Latino workers continue to die at a higher rate than other workers. ²

Black workers had a fatal injury rate of 4.2 per 100,000 full-time equivalent (FTE) workers, in 2022, up from 4.0 in 2021.

For Latino workers, the fatal injury rate increased to 4.6 per 100,000 FTE workers in 2022. This is an increase from the rate of 4.5 in 2021.

These fatality rates are significantly higher than the rate for all workers, which was 3.7 per 100,000 FTE workers in 2022.

Workers suffered preventable fatalities at 10 of the 12 employers in this year's Dirty Dozen. At least seven of these cases – some including more than one fatality – involved Black and Latino workers who lost their lives due to unsafe work practices.



Source: U.S. Bureau of Labor Statistics

WORKPLACE VIOLENCE

849 workers were killed as a result of violence in the workplace in 2022, an increase of 11.6 percent from 2021.

Four of the employers in this year's Dirty Dozen have failed to provide adequate safety and security to prevent harm from workplace violence.

WORKPLACE DEATHS FROM LONG-TERM HAZARDS

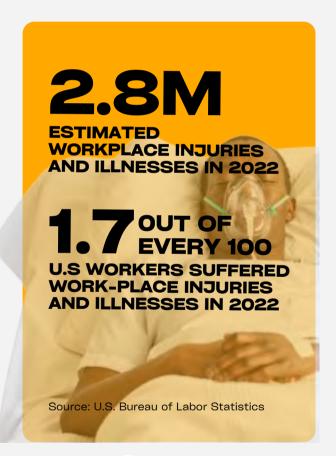
In addition to deaths from sudden trauma, a much larger number – **estimated** at 95,000 workers – die each year from long-term exposure to hazards such as silica, asbestos and other toxic substances and conditions.³

In a significant first step for workers in firefighting, construction, manufacturing and other industries, the U.S. Environmental Protection Administration announced in March a ban and phase out on all uses and imports of chrysotile asbestos.⁴

In addition, a new rule from the U.S Mine Safety and Health Administration, released in April, will limit exposure to silicad dust, a deadly substance that puts miners at risk of chronic illness.

PREVENTABLE INJURIES AND ILLNESSES

- An estimated 2.8 million U.S. workers suffered workplace injuries and illnesses in 2022, according to the Bureau of Labor Statistics (BLS). This is a 7.5% increase from 2021.⁵
- This data is self-reported by employers. The U.S. Congress, the Government Accountability Office (GAO) and academic experts agree that the BLS survey significantly underestimates the real toll of pain and suffering.⁶
- The GAO, for example, found that fewer than half of employers fully report injuries and illnesses as required by federal law.⁷



- Workers who become sick or injured on the job are often failed by a badly-broken state-by-state Workers' Compensation system.⁸
- Payment for workplace injuries is anything but swift or guaranteed.
 Injured workers are frequently stigmatized, their injuries denied or minimized by company-paid doctors, and their earned benefits delayed or never delivered.

CHILD LABOR AND WORKPLACE SAFETY

5.792 children were found working in violation of U.S. labor law in 2023.

according to the Wages and Hour Division of the U.S. Department of Labor (DOL). This is an

88 percent increase since 2019.9

\$8 MILLION IN FINES AGAINST EMPLOYERS

DOL has prioritized enforcing child labor standards, levying more than \$8 million in fines in 2023, an 83% increase over 2022.

Increased enforcement is showing results. DOL found 502 children working in hazardous jobs in 2023, down 27% from 2022.

MINORS EMPLOYED IN VIOLATION OF U.S. LAW. 2013 TO 2023



Source: U.S. Department of Labor

A DOZEN STATES WEAKEN **CHILD LABOR LAWS**

While federal enforcement is increasing, many state governments are loosening restrictions on child labor.

12 states have enacted laws loosening restrictions on child labor since 2021. An additional 18 states are considering such legislation.10



Two employers in this year's Dirty Dozen - Mar-Jac Poultry/Onin Staffing and Florence Hardwoods, employed teenagers who were killed on the job. A third, Tyson Foods, is under investigation for allowing children to work hazardous assignments.

EXTREME HEAT

2023 was the hottest year since record keeping began in 1850. 11 As temperatures rise, workers in both indoor and outdoor settings face higher risk of heat illness and heat exhaustion.

Exposure to extreme heat accounts for as many as 2,000 fatalities and 170,000 injuries and illnesses each year in U.S. workplaces. ¹²

Due to past and current discrimination in hiring, job assignments, housing and access to health care, Black and Brown workers are most at risk.

- Latino workers in all occupations are three times as likely to die on the job from extreme heat as non-Latinos.¹³
- In construction, where workers are frequently exposed to extreme heat, Black construction workers are 51% more likely to die from heat exposure than all industry workers. Latino construction workers are 21% more likely to die.¹⁴

Practical, common-sense measures such as rest, shade and easy access to potable water can protect workers and significantly reduce the risk of heat illness.

U.S. OSHA is developing a heat standard to protect workers, but the regulatory process will take years to complete. Just five U.S. states – California, Colorado, Minnesota, Oregon and Washington – have specific standards to protect workers from extreme heat.¹⁵ Florida and Texas have banned local jurisdictions from enacting heat safety ordinances to protect workers.¹⁶

The City of Phoenix has passed a landmark heat safety ordinance, with protections for city contractors, including airport workers, who work in the hottest area of a very hot city.¹⁷







Alabama Department of Corrections

Ascension

Black Iron Reinforcing

Costa Farms

Florence Hardwoods

Mar-Jac Poultry and Onin Staffing

Space X and The Boring Company

Tyson Foods

Valor Security and Investigations

Uber and Lyft

Waffle House

Walmart



ALABAMA DEPARTMENT OF CORRECTIONS

FORCED LABOR IN ALABAMA PRISONS DISPROPORTIONATELY TARGETS BLACK MEN AND WOMEN

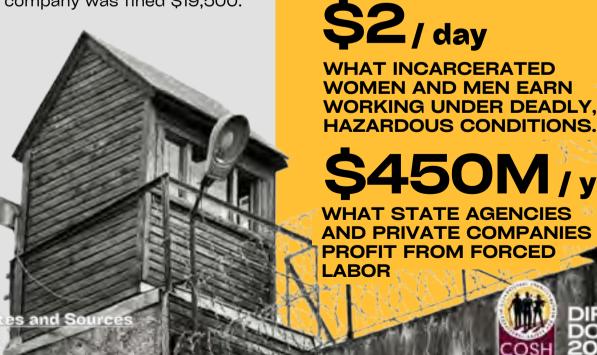


In October 2017,
 Frank D. Ellington, 33,
 who was incarcerated at
 a work release center,
 was tragically pulled into
 a machine he was
 cleaning at a Koch Foods
 chicken processing plant

in Ashland, Alabama. His skull was crushed, and he died instantly.

 The machine was still running when the incident occurred. OSHA investigators found that Ellington had never been trained on how to shut it down properly. As a result, the company was fined \$19,500.

- In December 2023, 10 current and formerly incarcerated individuals with two labor unions, sued the Alabama Department of Corrections and local McDonald's, KFC, Wendy's and Burger King franchises, which profit from prison labor.
- The lawsuit states that forced labor is "a modern-day form of slavery," violating the U.S. and Alabama constitutions.



ASCENSION

SEVERE STAFF CUTS CREATE UNSAFE CONDITIONS FOR PATIENTS AND WORKERS.

2013

Staff cutbacks begin, creating unsafe conditions.

NOVEMBER 2022

Gunshots fired inside pediatric unit in Wichita, endangering staff and patients.

JUNE 2023

Rape and sexual assault of three patients at Ascension hospital in Wichita, KS.

JUNE AND DECEMBER 2023

Nurses at Ascension hospitals in Wichita, KS; Austin TX, members of **National Nurses United**, go on one-day strikes to advocate for patient and worker safety.

MARCH 2024

Nurses win first contract, with **safe staffing ratios**, at Ascension hospital in Austin, TX.

Ascension, the nation's largest Catholic healthcare system, operates 140 hospitals and by 2022 had cash reserves of

\$18 BILLION

In the same year, CEO Joseph Impicciche was paid

\$13 MILLION



"There should be locked units... security measures at the front door. There should be a policy, when people get to the hospital that they cannot just walk in."

Lisa Watson, RN, Ascension Via Christi St.
 Francis, Wichita, KS.



BLACK IRON REINFORCING

DOESN'T PROTECT WORKERS, PREVENTS THEM FROM ORGANIZING FOR MUTUAL PROTECTION

Workers report lack of training, no protection from extreme heat, and retaliation – including threats of deportation– for reporting safety concerns.

SEPT 2022:

11111

Workers at Black Iron in Las Vegas vote to join the Ironworkers Union to improve working conditions. Black Iron objects to election results, delaying the certification and bargaining process for 19 months and counting.

SEPT 2023:

Marco Resendez loses his thumb after severe injury at Black Iron. The preventable incident happened while Resendez was assigned to "light duty" due to a previous injury.



COSTA FARMS

AFTER A DEATH FROM HEAT EXHAUSTION, FIRM LOBBIES AGAINST SAFETY RULES

2017

A worker dies due to management failure to install and deploy safe scaffolding and forklift equipment.

MAY 2021

An employee
working outdoors at
a Costa Farms
nursery in Miami dies
from heat
exhaustion.

SEP 2022

Florida workers, members of **We Count / Que Calor**, advocate for a heat safety ordinance in Miami Dade County.

PRESENT

Costa Farms workers report ongoing unsafe conditions, including a lack of safe drinking water and exposure to toxic chemicals during fumigation.

JUN 2023

Costa Farms executives actively lobby against ordinance requiring rest, shade and water during extreme heat.

CEO Jose "Joche" Smith signs an oped claiming construction and agriculture companies "already care for their workers."



AND IN MARCH 2024, THE FLORIDA LEGISLATURE **BANNED** ANY LOCAL HEAT PROTECTIONS.





FLORENCE HARDWOODS

16-YEAR-OLD KILLED AT SAWMILL WHERE TEENS HAVE BEEN INJURED AT WORK

JUNE 29, 2023

16-year old Michael Shuls, a "selfless, hardworking" high school athlete, is crushed inside a stalled conveyor at Florence Hardwoods, a lumber mill in northern Wisconsin.



JULY 1, 2023

Shuls dies from "traumatic asphyxiation." "That's caused by entanglement in a machine," says coroner Jeff Rixaby.

DECEMBER 2023

US OSHA fines Florence Hardwoods nearly US Department of Labor finds \$1.4 million for 40 safety violations, Florence Hardwoods has illegally

including "repeat" and "willful" citations, for a total of 53 sanctions since 2019. Previous violations include failures to properly lock out and guard machinery, the same hazards that killed Michael Shuls.

SEPTEMBER 2023

US Department of Labor finds
Florence Hardwoods has illegally
employed nine teenagers in
hazardous jobs. Three suffered
injuries prior to Shuls' tragic,
preventable death.

Florence Hardwoods contests OSHA violations, but dismisses all teen-aged employees. Per consent decree with DOL, agrees to post a sign outside its facilities stating:

"STOP! YOU MUST BE AT LEAST 18 YEARS OF AGE TO ENTER THIS BUILDING."

Notes and Sources

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MAR-JAC POULTRY AND ONIN STAFFING

TEENAGER KILLED AT POULTRY FIRM

JUL 14, 2023:

Duvan Pérez, a 16-year-old Mayan immigrant from Guatemala, is crushed to death while cleaning a deboning machine at Mar-Jac Poultry in Hattiesburg, MS.

JAN 16, 2024:

US OSHA finds Perez' death was caused by Mar-Jac's failure to shut down dangerous machinery while it was being cleaned. The recommended fines exceed \$212,000.

FEB 1, 2024

Edilma Perez Ramirez, Pérez's mother, files a wrongful death lawsuit against Mar-Jac and Onin Staffing. Teenagers are prohibited by U.S. law from working hazardous jobs. Mar-Jac blames Onin Staffing for illegally hiring Pérez – but Onin denies it was Pérez's employer.

OSHA has cited Mar-Jac 35 times for safety violations in the past decade. Since 2020, two other workers have died at Hattiesburg. Others suffered lacerations, broken limbs and an amputation at Mar-Jac facilities.

Company inaction "directly led to this terrible tragedy, which has left so many to mourn this child's preventable death"

 Kurt Petermeyer, OSHA regional administrator, Atlanta



SPACE X AND THE BORING COMPANI

CRUSHED LIMBS, AMPUTATIONS, CHEMICAL BURNS AND A FATALITY AT COMPANIES OWNED BY BILLIONAIRE ELON MUSK

600

WORKPLACE INJURIES AT SPACE X

- A Reuters investigation finds hundreds of "previously unreported workplace injuries at Space X," Elon Musk's rocket firm.
- Harm suffered by workers includes: "Crushed limbs, amputations, electrocutions, head and eye wounds and one death."

\$112K

IN FINES FOR SERIOUS VIOLATIONS AT THE BORING COMPANY

- At the Boring Company, Musk's tunnel venture, an intern is nearly crushed to death and underground workers suffer chemical burns from contaminated water.
- Nevada OSHA finds 8 serious violations, recommends \$112,000 in fines. The Boring Company contests all penalties and the need for abatement.

Workers at both firms say Musk is obsessed with speed but disregards safety, emphasizing profit over the well-being of workers, SpaceX is arguing that National Labor Relations Board (NLRB) procedures are unconstitutional.

This comes after the Board cited the company for firing workers who wrote a letter criticizing Musk.

 The NLRB upholds U.S. laws ensuring workers' rights to unite for the improvement of their working conditions.



TYSON FOODS

DEATHS, INJURIES, AND CHILDREN AT RISK

WORKERS DIED AT TYSON PLANTS SINCE 2019. Preventable deaths include workers burned to death by hot fluids, crushed to death, suffocated due to unguarded machinery, and other incidents.

140+

INJURIES FROM HAZARDOUS AMMONIA LEAKS **A CNN investigation uncovers toxic leaks at 47 Tyson facilities,** with more injuries than any other similar company. One worker endures multiple surgeries on her throat and corneas and suffers from persistent coughing fits.

300 CITATIONS FROM OSHA FOR VIOLATIONS OF U.S. SAFETY LAWS IN THE LAST DECADE.

OPEN

INVESTIGATION

by the US Department of Labor, based on reports that Tyson has employed children in illegal and hazardous roles within slaughterhouses.

October 2023: Immigrant workers and their allies, including members of Venceremos and the Food Chain Alliance, march on Tyson headquarters in Springdale, Arkansas. They are demanding improved working conditions for company employees.

JBER AND LYFT

PRESSURE TO ACCEPT UNSAFE RIDERS WHILE DRIVERS ARE KILLED AND ASSAULTED IN STAGGERING NUMBERS

80+

MOBILE APP WORKERS KILLED ON THE JOB

between April 2017 and March 2023, according to Gig Workers Rising



of those murdered since 2017 worked for Uber. UberEats, or Lyft



of those killed in 2022 were drivers of color, and 26% were immigrants

An internal Uber document reveals

24,000

reported "alleged assaults and threats of assault" against Uber drivers.



Drivers say Uber and Lyft policies pressure them to accept unsafe riders or risk "deactivation" getting fired from the app and left with no income.



Cuts to driver income lead to long hours and additional health risks: Sleep deprivation, fatigue, stress, urinary disorders and musculoskeletal injuries.



Drivers are fighting back with rallies, strikes and calls for safety legislation in Chicago, Denver, Minneapolis, Los Angeles, San Francisco and other cities.

VALOR SECURITY AND INVESTIGATIONS

FAKE TRAINING CERTIFICATES ENDANGER WORKERS' LIVES; BOSS TAKES HOME \$1 MILLION IN "FEES"

SEPTEMBER 2017

New York Committee on Occupational Safety and Health (NYCOSH), NY labor unions and workers' centers successfully advocate for an ordinance that requires safety training for city construction workers.

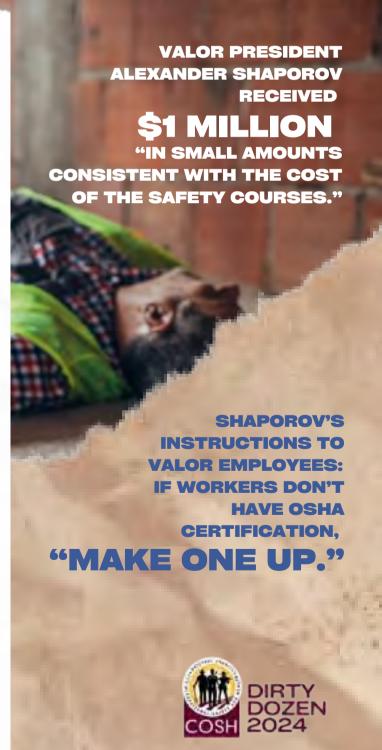
NOVEMBER 2022

Ivan Frias, 36, an immigrant from Mexico, falls to his death on a building site in Manhattan. Valor Security and Investigations claimed Frias had received training on fall protection – but the training never happened.

FEBRUARY 2024

Valor and its top executives are indicted for allegedly selling false training certificates to some 20,000 workers who never received training. Charges include reckless endangerment for their role in the preventable death of Ivan Frias.

Notes and Sources



WAFFLE HOUSE

INADEQUATE SECURITY TO PROTECT WORKERS AND CUSTOMERS

- Waffle House is open 24 hours, 365 days a year – even during natural disasters.
- According to Business Insider, the chain's restaurants "have developed a reputation as a hotbed for violence."

NOV 2022:

Waffle House cook Kaleel Goss is shot to death outside a restaurant in DeKalb County, GA.

JAN AND FEB 2024:

Four shootings reported at Waffle House locations.

Supported by the
Union of Southern
Service Workers
(USSW), Waffle House
workers organize
rallies and strikes,
urging the company to
implement "24/7
security and real input
on creating a Safety
Plan."

Notes and Sources

"A guy went outside to his car and got his gun.... I was just like, 'Wow, he was really about to possibly end my life over hashbrowns.'

"Waffle House refuses to spend money on better security. But I shouldn't have to go into work and think I'm about to die."

Naomi Harris, Waffle House employee,
 Columbia, SC



WALMART

CO-WORKERS FIGHT FOR PROTECTIONS AFTER LOSING ONE OF THEIR OWN



January 16, 2022: Walmart
Associate Jannika Perry dies from a
heart attack – "alone and calling out
for help" – after collapsing at her
store in North Little Rock, Arkansas.

Walmart's strict attendance policies and poor wages led Perry to stay at work despite feeling sick, says her mother, **Wanda Fay Moseby:**

"She was afraid of losing a paycheck, or even her job."

Walmart did not report Perry's death to U.S. OSHA – among "several injuries and illnesses" that went unreported, according to The New Republic.

Perry's family and co-workers from **United for Respect** are calling for better sick leave and attendance policies – and for protection against workplace violence.

1,100 shooting incidents and 300 deaths at Walmart stores.

May 2023: Walmart
Associate Cynthia Murray
files shareholder proposal
to review gun safety
practices; it was defeated.



WORKER SAFETY ALERT, PAGES 8-12

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- Economic Policy Institute, <u>Child labor remains a key state legislative issue in 2024</u>, accessed March 18, 2024.
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DIRTY DOZEN COMPANIES, PAGES 13-15

ALABAMA DEPARTMENT OF CORRECTIONS

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- Southern Poverty Law Center, The Kill Line, July 26, 2018
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ASCENSION

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 <u>lawsuit</u>, July 13, 2023
- Wichita Eagle, <u>Wichita man who sexually assaulted Via Christi patients this summer is</u> sentenced, November 9, 2023
- Milwaukee Magazine, How Staff Shortages Are Undermining Care at Columbia St. Mary's Hospital, December 27, 2022
- New York Times, <u>Profits Over Patients: How a Sprawling Hospital Chain Ignited Its Own</u> <u>Staffing Crisis</u>, December 15, 2022
- KSN TV, Firearm discharged inside Ascension via Christi, November 9, 2022
- Austin Chronicle, <u>Seton Nurses Finally Win Contract With Ascension</u>, March 5, 2024,

BLACK IRON REINFORCING

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DIRTY DOZEN COMPANIES, PAGES 16-18

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- Miami Herald, <u>Heat regulations would cripple construction</u>, <u>agriculture</u>, <u>which already care</u> for their workers, October 12, 2023
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- Associated Press, Wisconsin boy killed in sawmill accident was doing work allowed by state law, records suggest, July 1, 2023
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